

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1994

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, JANUARY 11, 1994



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

EBSCO Printing Company
Printers—Binders
Birmingham, Alabama

**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1994**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 11, 1994**

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1994, begun and held at the State House in the City of Montgomery, State of Alabama, on the second Tuesday in January, 1994, being the eleventh day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-Four, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend George Mathison, First United Methodist Church, Auburn, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Long, 5th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

LEAVES OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Holladay.

Also:

At the request of Representative Rockhold, leave of absence was granted for Representative Box.

Also:

At the request of Representative Biddle, leave of absence was granted for Representative Rogers (F).

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Campbell:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Letson, Zoghby and Perdue.

Also:

By Representative Campbell:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:15 P. M. on January 11, 1994, in the Hall of the House of Representatives at the State Capitol for the purpose of hearing the message of the Honorable James E. Folsom, Jr., Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour and place named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the joint session.

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On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Letson, Zoghby and Perdue.

Also:

By Representative Campbell:

H.R. 4. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 11, 1994, we adjourn to meet again on Thursday, January 13, 1994, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 4, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE
Secretary

REPORT FILED

Pursuant to Senate Bill 535, Act No. 91-652, Regular Session of the 1991 Legislature, Co-Chairmen, Senator Fred Horn and Representative Taylor Harper, submitted the Report of the Permanent Joint Legislative Committee on Finance and Budgets, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Representative Goodwin:

H.J.R. 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature hereby extends heartiest congratulations to the Colbert County High School Indians as Alabama's 1993 State 3-A Football Champions; and

WHEREAS, the Indians, under the talented leadership of Head Coach Jimmy Moore, ably assisted by Coaches Jimmy Lockett, Scottie Hannah, Jackie Norton, Jerry Smith, Bill Deegan, Lee Craft, David Isbell, Michael Ricks, and Lance Moore, advanced to the State Play-offs, outscoring their five collective opponents 145-47, including a 40-0 shutout over Colbert Heights, a 13-7 game in overtime against South Lamar, and successive wins over Plainview (38-15), Central (40-15), and St. Paul (14-10) in the Title game to finish the season with an impressive 11-4 overall record; and

WHEREAS, greatly contributing to these accomplishments were Champion team members, Brent Austin, Ferris Barnett, Mondale Bates, Brett Beavers, Cory Cobb, Andy Evans, Greg Ford, Thomas Fuqua, Gary Hampton, Myron Hampton, Freddie Ingram, Justin Isbell, Jemal Jones, Lawrence King, Torey King, Dennis Lewis, Mike Madden, Shawn Malone, Parvin Neloms, Waco Neloms, Kavis Reed, Corinthians Ricks, Lamar Ricks, Pat Robinson, Terris Robinson, Brian Swinea, Steve Stanley, Marcus Taylor, Micah Taylor, and Corey Uhlman; and

WHEREAS, cheering the Indians to victory from the sidelines were, Molly Akers, Chasity Beene, Jenny Lee Berry, Amanda Eddie, Amy Hallmark, Amaris Hanback, Tonya Malone, Kara Neloms, Tonya Patterson and Latena Stanley, under the sponsorship of Julie Coan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Jimmy Moore, his staff, and the Colbert County High School Indians on the 1993 State Class 3-A Football Championship, and do further direct that copies of this resolution be forwarded to Principal Everett Greenhill for appropriate presentation and school display.

The resolution, H.J.R. 5, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carns:

H.J.R. 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

WHEREAS, former University of Alabama football coach Paul "Bear" Bryant is the winningest coach in Division 1 college football history; and

WHEREAS, Coach Bryant led his teams to six national championships; and

WHEREAS, Coach Bryant holds the record for most post season bowl appearances, most bowl wins and a number of other accomplishments unequaled before or since his coaching career ended in 1982; and

WHEREAS, Bear Bryant represents to all Americans a positive can-do spirit of achievement, as exemplified by his life of accomplishments on and off the field; and

WHEREAS, Bear Bryant was a great American who personified the winning spirit and, as articulated by former President Reagan, "He lived what we strive to be."; and

WHEREAS, many sports heroes have been honored by the Postal Service by way of a commemorative stamp; and

WHEREAS, the Postal Service's ten-year waiting period for such an honor has expired since Coach Bryant passed away on January 18, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Postmaster General commission a stamp to be issued in honor of Coach Paul "Bear" Bryant as soon as practicable, and that the process to start or move forward consideration of such a stamp be begun this March, 1994, when the Citizen's Advisory Committee of the Postal Service next meets.

BE IT FURTHER RESOLVED, That the art and image that would appear on such stamp have input by the University of Alabama.

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Freeman and Hall (A):

H.J.R. 7. URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board follow the retirement procedures established by the City of Huntsville and allow their employees to take a 25 year retirement option.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board that they may know of our desires concerning this matter.

On motion of Representative Freeman, the rules were suspended and the resolution, H.J.R. 7, was adopted.

Also:

By Representative Turner:

H.J.R. 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

WHEREAS, this nation is witnessing an unprecedented era of violent crime, much of which is committed by juvenile offenders; and

WHEREAS, the state and local law enforcement agencies are overwhelmed by the epidemic of crime committed by juveniles; and

WHEREAS, the juvenile crime wave threatens the safety, health, and well-being of other juveniles and adults in this country, and also severely disrupts the educational process of our nation's schools; and

WHEREAS, the severity of this problem requires the involvement and leadership of the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature respectfully requests President Clinton, as commander-in-chief, to authorize the national guards of the various states to assist state and local law enforcement agencies in their efforts to combat crime committed by juvenile offenders.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent immediately to President Clinton for his consideration.

The resolution, H.J.R. 8, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

WHEREAS, in noting the resignation effective January 31, 1994, of Thomas Ingram, Jr., as Superintendent of the Tuscaloosa City School System, the Alabama Legislature also recognizes his accomplished tenure of some 27 years of service to the schools and students of Tuscaloosa, Alabama; and

WHEREAS, Dr. Ingram, a former teacher and principal with the St. Clair County Board of Education, joined the Tuscaloosa City System in 1966 as assistant principal of Tuscaloosa High School and, in 1969, was named principal, serving in that capacity until 1971, at which time he became administrative assistant to the superintendent; and

WHEREAS, he then served successively within the system as director of personnel and special services, assistant superintendent, and in the top administrative position for the past 15 years; and

WHEREAS, in recounting Dr. Ingram's impressive record of achievements as superintendent, his competent leadership during desegregation of the system's schools, in compliance with a federal court order, comes first to mind as a major accomplishment; and

WHEREAS, this is followed closely, however, by other such milestones of progress as the school board's 1986 \$18 million bond issue for long-range capital improvements, and Dr. Ingram's recent "New Visions" proposal, a program to be phased in over an eight-year period that covers improvements in preschool and primary education, the Tech Prep "new century schools" concept, more business and industry involvement, technology, and family involvement; and

WHEREAS, Dr. Ingram, who earned his undergraduate degree at Samford University, and holds a master's degree and his Doctor of Education degree from the University of Alabama, is leaving the Tuscaloosa City School System to become Deputy Superintendent with the State Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the Tuscaloosa City School System, and with warm best wishes for every continuing success in his new position at the state level, we hereby commend Thomas Ingram, Jr., whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 9, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

WHEREAS, the Legislature of Alabama takes great pleasure in noting the selection of Constance H. Kelley of Mobile, Alabama, as Outstanding Dietitian of the Year for 1993 by the Alabama Dietetic Association; and

WHEREAS, Ms. Kelley, who presently serves as Director of Nutritional Services at the University of South Alabama Medical Center, received her B.S. degree from Auburn University and an M.S. degree from the University of Tennessee; and

WHEREAS, prior to assuming her position as director, Ms. Kelley had served as Clinical Dietitian for the Center's Metabolic Support Teams and, in earlier positions, was Food Service Director at Searcy Hospital, and an instructor in the Department of Food and Nutrition, College of Home Economics, Kansas State University; and

WHEREAS, over her career, Ms. Kelley has provided leadership and support to her profession, as well as in civic and community affairs, in such capacities as past president of both the Alabama and the Mobile District Dietetic Associations; as an active member of the American Dietetic Association, the American Cancer Society, and Toast Masters International, which named her Outstanding Toast Master for District 29; and as Girls Action Leader, Mission Friends Director, and Bible Drill Director at Spring Hill Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to her profession and the community, and as Outstanding Dietitian of the Year, we hereby most highly commend Constance H. Kelley of Mobile, for whom a copy of this resolution of sincere regard shall be provided.

The resolution, H.J.R. 10, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 11. COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Robert J. (Bob) Williams of Mobile, Alabama, for outstanding contributions and service to his community, and to its youth; and

WHEREAS, Mr. Williams, a native of Clever, Missouri, received his B.S. degree from the University of Arkansas, graduated from Naval Officers' Training School in Newport, Rhode Island, and served on the staff of the Amphibious Training Command in Coronado, California; and

WHEREAS, he also is a former professional baseball player, having played with the Philadelphia Athletics, and, at one time, was a vocalist with WBT and WBTW in Charlotte, North Carolina; and

WHEREAS, over the years, Mr. Williams has provided invaluable leadership and support to countless civic, service, and youth organizations including the Mobile Area Chamber of Commerce, the Mobile Community Foundation, First Alabama Bank of Mobile, Convention and Visitors Corporation, America's Junior Miss, Doctors Hospital, St. Paul's School, WHIL, United Way, Salvation Army, Boy Scouts Mobile Area Council, YMCA Metropolitan, and Dauphin Way United Methodist Church; he also has served as president of the Alabama State Pest Control Association and the Terminix National Council, and presently serves as president/CEO of Terminix Service, Inc.; and

WHEREAS, he was named an Honorary Fellow at the University of Mobile and, in 1993, received the annual B. R. Wilson, Jr., Leadership Award from the Boys and Girls Club for his outstanding and dedicated service to the youth of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert J. (Bob) Williams for immeasurable contributions and service to the Mobile community, and direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

The resolution, H.J.R. 11, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 12. COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Major General Nora A. Astafan, an Oakmont, Alabama, native, on her appointment, March 11, 1993, as the highest ranking female in the United States military, and the first female Two-Star General in the armed forces; and

WHEREAS, General Astafan, who earned her B.S. degree from the University of Alabama, and a Master's degree from California State University, was commissioned through Officer Training School, Lackland Air Force Base, Texas, and completed the Basic Supply Officers Course at Amarillo Air Force Base, Texas; and

WHEREAS, she served on active duty with the 3245th Maintenance and Supply Group at Laurence G. Hanscom Field, Massachusetts, and the 20th Tactical Fighter Wing, Royal Air Force Station, Wethersfield, England, while her reserve duty assignments have included Mobilization Assistant with the B-52 Systems Management Division, Oklahoma City Air Materiel Area, and Mobilization Assistant to the Commander, Air Force Acquisition Logistics Center, Wright Patterson Air Force Base, Ohio; and

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WHEREAS, over her career, General Astafan's many notable accomplishments have been recognized by such awards and decorations as Outstanding Supply Officer of the U. S. Air Force, Legion of Merit, Bronze Star, Meritorious Service Medal with Two Oak Leaf Clusters, Air Force Commendation Medal, and Air Force Outstanding Unit Award; and,

WHEREAS, she has also extended her leadership abilities to include active membership in a number of civic associations including the Oklahoma Christian College Women's Association, California Association of Educators of Young Children, McClellan Museum Foundation, the Air Force Logistics Command Air Reserve Forces Policy and Advisory Council, Tierra del Oro Girl Scout Council, and Rancho Cordova Church of Christ; and

WHEREAS, General Astafan currently resides in Carmichael, California, and serves as Mobilization Assistant to Deputy Chief of Staff for Logistics at United States Air Force Headquarters in Washington, D. C.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby most highly commend Major General Nora A. Astafan, of whom we are justly proud, and for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 12, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 13. COMMENDING SHANE CLACK OF VINA HIGH SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

WHEREAS, the Chucky Mullins Award, established and sponsored by the Franklin County Times, is bestowed annually in memory of Roy Lee "Chucky" Mullins, a Russellville High School football star, and a University of Mississippi player who died in 1991 as a result of injuries sustained during the 1989 Ole Miss-Vanderbilt game; and

WHEREAS, it is with great pleasure that the Legislature of Alabama recognizes Shane Clack of Vina High School, the third recipient of this prestigious honor who is, as was the late Chucky Mullins, a fine young man of exceptional leadership ability, character and courage, and with the indomitable spirit to overcome the tragedy of his father's death in a 1992 boating accident; and

WHEREAS, Shane Clack, although slight of build at 150 pounds, but long on courage, led Vina with five interceptions and seven touchdowns this past season; he also took over the responsibility of the team's starting punter who was injured, returning his only punt 60 yards for a touchdown, and, in double overtime against Red Bay, scored the winning touchdown; and

WHEREAS, the outstanding athletic accomplishments of Shane Clack are indeed worthy of public recognition, and he is to be most highly commended for his extraordinary dedication and commitment to achieve his fullest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Shane Clack as the recipient of the coveted Chucky Mullins Award, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

The resolution, H.J.R. 13, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 14. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

WHEREAS, in consensus of admiration and esteem, the Alabama Legislature most highly commends Paul Robertson of Lamar County, Alabama, whose quick, decisive and courageous actions were instrumental in preventing a highway accident of such proportion as to possibly kill and/or maim the occupants of a school bus, and those of a second vehicle; and

WHEREAS, on September 9, 1993, Mr. Robertson, who was driving a fully loaded log truck on Alabama Highway 14 in Pickens County, placed his life in jeopardy and, in fact, was critically injured when he made an instant decision to leave the road, and thereby avoid hitting a pickup truck, as well as a school bus filled with young students; and

WHEREAS, Paul Robertson, in his successful attempt to save the lives of others, was seriously injured and remained hospitalized in Baptist Memorial Hospital-Golden Triangle in Columbus, Mississippi, until late October, at which time he was transferred to Lakeshore Rehabilitation Center in Birmingham; and

WHEREAS, Mr. Robertson is indeed deserving of highest praise for his heroic actions in order to prevent injury to, or even death of the occupants of the two vehicles, the majority of whom were young students from Pickens County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding courage, we hereby most highly commend Paul Robertson of Lamar County, Alabama, to whom a copy of this resolution shall be presented, that he may know of our sincere regard, and of our fervent prayers for a complete recovery from the injuries he sustained in saving the lives of others.

The resolution, H.J.R. 14, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY

WHEREAS, Davey Allison of Hueytown, Alabama, was one of our state's most well known and beloved personalities, who during his life represented Alabama in an exemplary manner; and

WHEREAS, the memory of Davey Allison in his home state continues; and

WHEREAS, on January 25, 1994, Texaco, U.S.A. wishes to make a donation to the State of Alabama in honor of the life of this fine young man; now therefore,

BE IT RESOLVED, That on January 25, 1994, at a time to be set by the presiding officer of each house, a joint session of the Legislature of Alabama shall convene for the purpose of commemorating Davey Allison Day and to receive a donation to the state from Texaco, U.S.A. in remembrance of Mr. Allison.

BE IT FURTHER RESOLVED, That we respectfully invite Governor James E. Folsom, Jr., to attend this joint session so that he may join the Legislature in honoring the family of Mr. Allison.

RESOLVED FURTHER, That copies of this resolution be forwarded to Governor Folsom, the family of Mr. Allison, and Texaco, U.S.A.

The resolution, H.J.R. 15, was read and referred to the Standing Committee on Rules.

Also:

By Representative Kvalheim:

H.J.R. 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

WHEREAS, is with highest commendation that the Legislature of Alabama notes the election of Dr. Angus McBryde, Jr., of Mobile, Alabama, as 1993-94 president of the Southern Medical Association during the association's 87th Annual Scientific Assembly; and

WHEREAS, Dr. McBryde, a prominent figure in the medical community, received his M.D. from Duke University, served his internship and junior assistant residency in general surgery at the University of Pennsylvania Hospital, and, following military service in Vietnam, completed his residency in orthopaedics at Duke University Medical Center; and

WHEREAS, he subsequently served at the Miller Clinic in Charlotte, North Carolina, as attending orthopaedic surgeon in the teaching program at Carolina Medical Center, and as assistant clinical professor of orthopaedics at Duke Medical School; and

WHEREAS, over his distinguished career, Dr. McBryde has authored numerous articles and other publications, and is often called upon as a speaker on the subject of Sports Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on his election as president of the Southern Medical Association, we hereby most highly commend and congratulate Dr. Angus McBryde, Jr., of Mobile, Alabama, for whom a copy of this resolution of sincere regard and tribute shall be provided.

The resolution, H.J.R. 16, was read and referred to the Standing Committee on Rules.

Also:

By Representative Kvalheim:

H.J.R. 17. MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

WHEREAS, it is with sincere sorrow and regret that the Alabama Legislature records the death of Stewart Thames of Mobile, Alabama, on August 26, 1993; and

WHEREAS, a lifelong and prominent resident of Mobile, Stewart Thames was a former vice president of Southern Industries, more recently known as Dravo Natural Resources; and

WHEREAS, Mr. Thames also provided invaluable leadership and support to his community in such capacities as president of the Mobile Safety Council, member of both the Providence Hospital and Mercy Medical boards, past president of the Mobile Country Club, and as a member of a number of civic organizations and mystic societies; and

WHEREAS, further, Mr. Thames was a devoted member of St. Paul's Episcopal Church and a graduate of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the lamentable death of Stewart Thames of Mobile, and extend deepest sympathy and condolences to his sons, Stewart Thames, Jr., Alan Michael Thames, and Boyd Mason Thames; daughter, Susan Thames Leatherbury; brother, Gustave Beauregard Thames; sister, Susan Thames Pettiss; to his many grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 17, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 18. MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature mourns the death of David D. Roberts of Mobile, Alabama, on December 26, 1993, at the age of 75 years; and

WHEREAS, Mr. Roberts, a native of Pittsburgh, Pennsylvania, and a resident of Mobile since 1931, was co-founder of Roberts Brothers Inc., one of Alabama's largest real estate companies; and

WHEREAS, named Mobilian of the Year in 1985, Mr. Roberts provided leadership and support to countless civic, cultural, charitable, and business organizations including the Mobile County Board of Realtors, Alabama Association of Realtors, Mobile Planning Commission, Salvation Army, Mobile Opera Guild, Federal Home Loan Bank and FNMA; he also was instrumental in the development and management of numerous shopping centers in South Alabama; and

WHEREAS, Mr. Roberts further served in such prominent positions as president of the National Association of Realtors, the nation's largest trade association; as a founder and director of Commercial Guaranty Bank, now Southtrust Bank; and as United States representative to three International Shelter Conferences sponsored by the United Nations; and

WHEREAS, a graduate of Auburn University, Mr. Roberts was a highly decorated combat veteran of World War II and later served some 15 years as commanding officer of an active reserve unit in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the death of David D. Roberts of Mobile, Alabama, and extend heartfelt sympathy to his wife, Sadie Edwards Roberts; daughter, Mary Harriett Roberts Slingsluff; sons, David D. Roberts, Jr., and Benjamin Thomas Edwards Roberts; to his five grandchildren and three great-grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 18, was read and referred to the Standing Committee on Rules.

Also:

By Representative Butler:

H.J.R. 19. MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

WHEREAS, it is in profound, personal sorrow that the Legislature of Alabama records the death of Willis Vincent Bell of Montgomery, Alabama, on December 28, 1993, at the age of 74 years; and

WHEREAS, a Montgomery County native, Willis Bell was a distinguished United States Navy veteran of World War II, and a 1949 graduate of the University of Alabama School of Law where he was a member of Farrah Law Society, ODK, and Order of Jurisprudence, and was Comment Editor of the Alabama Law Review; and

WHEREAS, Mr. Bell, after receiving his Juris Doctor degree from the University, was engaged in the private practice of Law in Montgomery from 1949 until 1953 and, in a continuation of his accomplished legal career, was an attorney with the Alabama Power Company in Birmingham for twenty years, before returning to Montgomery to join the legal staff of the Legislative Reference Service; and

WHEREAS, it was in this capacity, and for his many contributions to the Legislative process, that we came to know Willis Bell as a valued friend; to greatly appreciate his legal astuteness; and to rely greatly upon his advice and counsel as an acknowledged authority on the Code of Alabama; and

WHEREAS, shortly after joining the Legislative Reference Service staff, Mr. Bell was designated Reporter to the Code Revision Subcommittee, which had been appointed by the Legislative Council to supervise the editing of the State's new Code of Laws, and it was in this highly responsible position that he still served at the time of his lamentable death; and

WHEREAS, Mr. Bell, a senior analyst with the Legislative Reference Service, also served as the agency's Revisor of Statutes, working closely with the editor and publisher of the Code to provide for a cumulative supplement, and any replacement volumes, after each Legislative session; additionally, he drafted the legislation necessary to codify the laws contained in each supplement, as well as legislation, as requested, in order to prepare the bill for submission to the Legislature; and

WHEREAS, the death of Willis V. Bell has indeed left an unfathomable void in the life of the community, and in the heart of his beloved wife of 40 years, Bertha R. Bell, with whom he reared four fine children in the nurture and admonition of the Lord, and as faithful members of the Vaughn Park Church of Christ, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Willis Vincent Bell of Montgomery, Alabama, and extend our most heartfelt sympathy to his wife and their daughter, Mary Jane Bell Slaughter; sons, Willis V. Bell, III, James R. Bell, and Robert I. Bell; five grandsons; and other family members, with whom we share a grievous burden, and for whom copies of this resolution shall be provided.

The resolution, H.J.R. 19, was read and referred to the Standing Committee on Rules.

Also:

By Representative Butler:

H.J.R. 20. MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Mr. Walker Tuck of Harvest, Alabama, on December 10, 1993, at the age of 95 years; and

WHEREAS, Mr. Tuck, a lifelong resident of Harvest, was a prominent and much beloved member of his community; a farmer, ginner and merchant; and a longtime member of the Ford's Chapel United Methodist Church, where he was actively involved through leadership and service; and

WHEREAS, the lamentable death of Walker Tuck has indeed left a deep void in the life of the community, and in the hearts of his family and all those whose lives he touched with loyal friendship, care, and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life of His obedient servant, Mr. Walker Tuck of Harvest, Alabama.

BE IT FURTHER RESOLVED, That our sincere sympathy is extended to his wife, Mrs. Grace Quick Tuck, his sister, Mrs. Mable Allen; and to other family members, for whom a copy of this resolution of heartfelt condolence shall be provided.

The resolution, H.J.R. 20, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Butler, Turnham and Venable:

H.J.R. 21. COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation and a great sense of pride that the Alabama Legislature recognizes Coach Terry Bowden for his outstanding record of achievement during his first year as Head Coach at Auburn University; and

WHEREAS, Coach Bowden, who at 37 is one of the youngest Division 1-A head coaches in the country, captured the attention of the state and nation, when, in his rookie year as coach of a major college program, he directed the Auburn Tigers to a spectacular 11-0 record season, a feat unprecedented in NCAA history; and

WHEREAS, he was hailed as Coach of the Year for 1993 by such organizations as United Press International, Associated Press, the Walter Camp Football Foundation, Sporting News, and Football News, and as recipient of the famed Bear Bryant Award; and

WHEREAS, Coach Bowden had accomplished what to some seemed a miracle; holding to the old-fashioned coaching philosophy that success comes through hard work and commitment, he had taken a team plagued by adversity, restored their confidence and determination, and inspired them to greatness; and

WHEREAS, humble in his accomplishments, candid and sincere, and imbued with Christian principles and perspective, Coach Bowden indeed serves as a worthy role model for the young men under his tutelage; and

WHEREAS, a cum laude graduate of West Virginia, Coach Bowden attended Oxford University, earned his law degree from Florida State, and coached nine combined seasons at Salem College and Samford University before beginning his coaching career at Auburn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of and in tribute to his outstanding achievement, we hereby most highly commend Coach Terry Bowden of Auburn University for whom a copy of this resolution shall be provided as an expression of our sincere admiration and warmest personal regard.

The resolution, H.J.R. 21, was read and referred to the Standing Committee on Rules.

Also:

By Representative Zoghby:

H.J.R. 22. COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

WHEREAS, in noting the retirement of Bob Kirby of Mobile as Chief Executive Officer of the Better Business Bureau, the Alabama House of Representatives also notes his many outstanding accomplishments as bureau president for more than 23 years; and

WHEREAS, Mr. Kirby, a former realtor and homebuilder, served as Business Relations Director for the Central Indiana Better Business Bureau prior to his position with the Mobile Bureau which, under his leadership, has grown tremendously both in financial support and in the services it provides; and

WHEREAS, over the course of his tenure, Bob Kirby addressed countless civic, consumer and education groups; produced and served as host of regularly scheduled television shows for many years; and, as a columnist, wrote "Kirby Komments," a weekly feature published in the Mobile Press Register and other area newspapers; and

WHEREAS, in addition to his career responsibilities however, Mr. Kirby has extended his leadership talent and ability to include membership and/or high offices in such organizations as Sales and Marketing Executives, Council of Better Business Bureaus Board of Directors, Boy Scouts of America, Mercy Medical Hospital Board, Alabama District of Kiwanis and the Kiwanis Club of Mobile, Crichton Boys Club, and Senior Citizen Services, among many others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement as President of the Better Business Bureau, we hereby most highly commend Bob Kirby of Mobile, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for every future success and happiness in life.

The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced severally, read one time and formally referred to the same committees as follows:

By Representative Carothers:

H. 1. Relating to public health in this state; prohibiting smoking in a public place or at a meeting of a public body, except in a designated smoking area; providing for the preemption of certain other laws, ordinances, and resolutions in conflict with this bill; and prescribing penalties for violations.

COMMITTEE ON HEALTH

By Representative Willis:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Burke, Cosby, McMillan, Curry, Millican, Morton, Sanderson, Laird, and Poole:

H. 3. To propose an Amendment to the Constitution of Alabama of 1901, to require the flag of the United States of America, the flag of the State of Alabama, and the Confederate Battle Flag to be flown in declining order from the dome of the State Capitol.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Powell:

H. 4. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment 339 and Amendment 448 of the Constitution of 1901. This bill would limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide a procedure for appropriations of revenue-raising measures; provide for the convening of the Legislature in two annual Regular Sessions; provide for special sessions; provide for the duration of legislative sessions and the legislative matters to be considered at said sessions; provide a procedure for the consideration of basic appropriation bills; provide a 24 hour notification of any Conference Committee report on appropriation bills prior to a vote being taken; provide for an automatic special session for budgets should they fail to be enacted in the first annual budget and revenue session; and provide a procedure for the Governor to prevent a deficit in

any state fund. This bill would authorize the Legislature to make appropriations for multiple purposes in one or more general appropriation bills and to make appropriations to institutions that are not under the absolute control of the state. This bill will provide for a constitutional election on the proposed amendment.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Haynes:

H. 5. To authorize the Alabama Sheriffs Association to provide that certain full-time employees and executive officers of the association may elect to become members of the Teachers' Retirement System and the State Employees' Health Insurance Plan; to provide that the Alabama Sheriffs Association and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of previous service credit in the Teachers' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Sanderson:

H. 6. To amend Section 40-21-120, Code of Alabama 1975, to remove the exemption of cellular radio telecommunication services from regulation by the Public Service Commission.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Campbell:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

COMMITTEE ON JUDICIARY

By Representative Campbell:

H. 8. To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Campbell:

H. 9. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative McKee:

H. 10. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Holmes:

H. 11. To repeal Act No. 93-851, H. 27, 1993 First Special Session (Acts 1993, p. ____), relating to industrial development; and to provide that the repeal of this act shall be retroactive to August 25, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Holmes:

H. 12. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71, and 40-18-82, Code of Alabama 1975, by repealing the income tax credits provided to the State Industrial Development Authority; and to provide that this amendatory act shall be retroactive to August 25, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 13. To provide for the crime of workers' compensation fraud and to provide for a felony penalty therefor.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Fuller:

H. 14. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, and to provide further for certain sales and use tax exemptions relating to the sale or use of Holy Bibles, testaments and similar books commonly recognized as being Holy Scripture regardless of by or to whom sold.

COMMITTEE ON WAYS AND MEANS

By Representative Richardson:

H. 15. To amend Sections 13A-6-90 and 13A-6-91, Code of Alabama 1975, to impose additional penalties for a second or subsequent conviction of the crime of stalking or aggravated stalking.

COMMITTEE ON JUDICIARY

By Representatives Richardson, Fuller, McDaniel, and Clark (J):

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Perdue:

H. 17. To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

COMMITTEE ON STATE ADMINISTRATION

By Representative Melton (With Notice and Proof):

H. 18. Relating to the District Attorney of the Sixth Judicial Circuit; to provide for an adjustment in the total compensation of the District Attorney of the Sixth Judicial Circuit.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Perdue:

H. 19. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representative Petelos:

H. 20. To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

COMMITTEE ON JUDICIARY

By Representative Petelos:

H. 21. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

COMMITTEE ON JUDICIARY

By Representative Butler:

H. 22. To amend Sections 32-6-150 and 32-6-156, Code of Alabama 1975,

relating to issuance of distinctive commemorative license tags or plates to provide for the issuance of distinctive commemorative license tags or plates for out-of-state colleges and universities, and provide that the net proceeds from the sales of the distinctive commemorative license tags or plates shall be distributed by the judge of probate or license commissioner to the local school district where the owner of the motor vehicle resides.

COMMITTEE ON WAYS AND MEANS

By Representative Butler:

H. 23. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

COMMITTEE ON WAYS AND MEANS

By Representative Butler:

H. 24. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Military Order of the Purple Heart.

COMMITTEE ON WAYS AND MEANS

By Representative Butler:

H. 25. Amending Section 13A-12-200.1, Code of Alabama 1975, to include topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

COMMITTEE ON JUDICIARY

By Representative Butler:

H. 26. To amend Section 21-7-4, Code of Alabama 1975, relating to rights of blind and disabled persons to have access to public places and accommodations, and to have the use of guide and hearing dogs, so as to provide for the use of assistance dogs by those persons.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 27. To make a supplemental appropriation from the State General Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 28. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Holladay:

H. 29. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

COMMITTEE ON WAYS AND MEANS

By Representative Campbell:

H. 30. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

COMMITTEE ON JUDICIARY

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Laird:

H. 31. To require that a municipality that annexes territory of a fire district or volunteer fire department to compensate the fire district or volunteer fire department for lost revenue based on the percentage of the territory annexed; to allow full time paid employees of a fire district or volunteer fire department to transfer into the employment of the annexing municipality under certain circumstances; to allow the board of directors of a fire district whose territory has been annexed to redraw the boundary lines of the district; and to prohibit the replacement of the

equipment of a fire district or volunteer fire department which has been annexed into a municipality inferior or lesser quality equipment.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Turner:

H. 32. To further provide for punishment of repeat offenders and habitual offenders; to provide that a person, after a felony conviction, who commits another felony that is the same type, shall be punished by life imprisonment without parole; and to amend Section 13A-5-9, Code of Alabama 1975, for that purpose.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 33. To provide that certain criminal defendants who receive an alternative sentence for a felony conviction would not be eligible for an alternative sentence on conviction of a subsequent felony offense.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 34. To amend Section 32-6-65, Code of Alabama 1975, relating to motor vehicle registration; to require a copy of the current registration of a motor vehicle to be kept in the motor vehicle at all times; and to provide penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 35. To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of a person for driving with a revoked driver's license; to provide for the arrest of a person driving while their driver's license is revoked or suspended, and to further provide for the impoundment and the redemption or sale of a motor vehicle driven by a person whose driver's license has been revoked or suspended.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 36. To provide that the Commissioner of Revenue, after notice from the Director of Public Safety of the revocation of the driver's license of a person, shall cancel any motor vehicle registration and license plate issued to the person and order the removal of the license plate; to provide for notification of the Director of Public Safety of the cancellation of a motor vehicle registration and license plate; and to provide for a hearing to consider reinstatement of a cancelled motor vehicle registration and license plate.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 37. To provide that a person whose driving privilege has been cancelled, revoked, or suspended may have a limited license for operation of a motor vehicle for business purposes; and to establish the procedure for issuing the limited license.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 38. To amend Section 32-6-61 of the Code of Alabama 1975 relating to licensing, registration, and taxation of motor vehicles, to provide that upon the transfer of ownership or title of a motor vehicle, the registration of the vehicle shall expire and the seller shall remove the license plate and return it to the county official authorized and required by law to issue license plates and pay any ad valorem tax that has accrued up to the date of sale; to provide penalties; and to provide that the new owner shall be liable for any ad valorem tax which accrues after the date of the acquisition of the vehicle.

COMMITTEE ON JUDICIARY

By Representative Turner (With Notice and Proof):

H. 39. Relating to Mobile County; to provide for the establishment in the municipalities in Mobile County of a pre-trial diversion and rehabilitation program in lieu of prosecution for certain offenders who are charged or may be charged with certain offenses in municipal court.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 39, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 40. Relating to Mobile County; authorizing the Mobile County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 41. To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

COMMITTEE ON LOCAL GOVERNMENT

By Representative White (With Notice and Proof):

H. 42. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 42, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Ford and Turner:

H. 43. To provide for a salary increase for certain state employees; and to appropriate funds for the increase for the fiscal year beginning October 1, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Ford:

H. 44. To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 45. To amend Section 22-21-8, Code of Alabama 1975, relating to confidentiality of accreditation, quality assurance, and similar materials prepared by certain persons in the health care industry; to provide confidentiality for those materials prepared by persons associated with the Value Improvement Partnership.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 47. To require the documentation and detail of all usage of aircraft owned by the state and making the records associated with that usage as well as information about chartered and commercial flights by the Governor, public records subject to public disclosure and to provide that persons accompanying an authorized person on aircraft owned by the state to pay the costs associated with their travel on the state aircraft.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Cullins:

H. 48. Proposing an amendment to Amendment No. 297 to the Constitution of Alabama of 1901 pertaining to Tallapoosa County to authorize the county commission to alter costs and charges of court.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Cullins:

H. 49. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of fire districts, and the levy of service fees for fire protection and emergency medical services in Tallapoosa County by the E911 Board of Commissioners of Tallapoosa County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 50. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative referendum subject to the same limitations imposed on the Legislature.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 51. To establish the "Junior College and Vocational and Technical Schools Closure and Realignment Act" and provide for a commission, and the appointment of a commission, to reduce spending, realign or close facilities, institutions, or programs; to provide for a director and staff to administer the act and provide for public hearings, information, and recommendations from heads and presidents of the affected institutions; to provide for appropriations to implement the act and the recommendations; to provide for a specific legislative process relating to action on the recommendations and proposed legislation by the commission; and to provide for the termination of the commission and staff.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 52. To require members of the Legislature to file itemized receipts of all funds received within a certain time period and to provide for penalties.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 53. To provide for the practice of orthotics or prosthetics by persons certified by the American Board for Certification in Orthotics and Prosthetics; to limit solicitation of patients; to provide for performance of services; and to provide for criminal and civil penalties.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 54. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof until approved by an ordinance enacted, or by a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; to provide for exceptions; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

The above bill was read a first time at length as required by the Constitution.

By Representative Layson (With Notice and Proof):

H. 55. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 55, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson:

H. 56. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bidding on public contracts, to provide further for preferences in certain contracts.

COMMITTEE ON STATE ADMINISTRATION

By Representative Layson (With Notice and Proof):

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retro-active substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 57, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carter:

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Carter:

H. 59. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 60. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Morrow:

H. 61. To provide for the merger of Northwest Shoals Community College at Phil Campbell with the University of North Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow (With Notice and Proof):

H. 62. Relating to Franklin County; providing for the election of the county superintendent of education by the qualified electors of the Franklin County School District.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 62, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 63. To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representatives Starkey, Hooper, Hawkins, Butler, Freeman, Haynes, and Flowers:

H. 64. To amend Section 8-17-217 of the Code of Alabama 1975, to exclude bottle rockets from the definition of fireworks that may be sold within the State of Alabama; to provide that those devices may be stored by licensed manufacturers, distributors, and wholesalers within the state for sale outside the state; and to provide an effective date.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 65. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

COMMITTEE ON WAYS AND MEANS

By Representative Ford (With Notice and Proof):

H. 66. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 67. Relating to Etowah County; providing for the powers and duties of the Chief Executive Officer of Etowah County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 67, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Richardson:

H. 68. To amend Section 37-3-4, Code of Alabama 1975, by providing further for the exemption of motor carriers who transport property in open top dump vehicles.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Holley:

H. 69. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

COMMITTEE ON WAYS AND MEANS

By Representatives Campbell, Carothers, Johnson, Flowers, McDowell, Freeman, Bowling, Haynes, and Williams:

H. 70. To require certain persons or entities to obtain a certification from the State Department of Public Health before conducting utilization reviews for covered medical insurance services.

COMMITTEE ON HEALTH

By Representative White:

H. 71. To further provide for the grounds of the forfeiture of a charter in a municipal corporation having a population of 1,100 inhabitants or less, and the requirements for revenue to provide services; to further provide for the procedure for petitions to require the voters filing a petition be from the municipality, and that the alleged grounds be based on facts, evidence, and proof; and for these purposes amending Sections 11-41-24, 11-41-25, and 11-41-26.

COMMITTEE ON LOCAL GOVERNMENT

By Representative White:

H. 72. Reopening for a certain time the Teachers' Retirement System for purchase of certain service credit by active members for certain prior service rendered to certain public employers.

COMMITTEE ON WAYS AND MEANS

By Representative White (With Notice and Proof):

H. 73. Relating to Escambia County; amending Act No. 88-836, H. 183, 1988 Special Session, which levies a county cigarette tax, and to provide further for the distribution of the proceeds from the tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Spratt (With Notice and Proof):

H. 74. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided

1st Day

under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 74, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sanderson, Curry, Newton (D), Rogers (J), Spratt, Biddle, Barnes, McClain, Morton, Hawkins, Gaines, Petelos, and McDowell (With Notice and Proof):

H. 75. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 75, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 76. To amend Section 41-16-123 Code of Alabama 1975, to exempt the Alabama Educational Television Commission from the present statutes relating to disposition of surplus property.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 77. To amend Section 16-7-2, Code of Alabama 1975, to provide further for the allowance for members of the Alabama Education Television Commission.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 78. Proposing a constitutional amendment relating to a certain legislative process and to proration of certain legislation providing for the closure, realignment, reduction or consolidation of any program, facility, or institution in the realignment or closure of any junior college, vocational, or technical school, certain real and personal property of the affected institutions; to exempt any funds generated by the legislative action in the realignment or closure action from proration or the budget isolation process, as the Legislature may, from time to time, provide.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Campbell:

H. 79. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

COMMITTEE ON WAYS AND MEANS

By Representative Campbell (With Notice and Proof):

H. 80. Relating to Calhoun County; providing that the Tax Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 80, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson:

H. 81. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance and operation of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

COMMITTEE ON BUSINESS AND LABOR

The above bill was read a first time at length as required by the Constitution.

By Representative Layson:

H. 82. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

COMMITTEE ON BUSINESS AND LABOR

The above bill was read a first time at length as required by the Constitution.

By Representative Parker (T):

H. 83. To provide for the suspension or denial of a driver's license or learner's license of a student suspended from school for possession of an unauthorized weapon or an illegal controlled substance; and to provide for notice, hearing, and appeals.

COMMITTEE ON EDUCATION

By Representative Hawkins:

H. 84. To make a supplemental appropriation from the Physical Therapy Fund in the State Treasury to the Board of Physical Therapy for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby (With Notice and Proof):

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 85, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P):

H. 86. To exempt the Friends of the Regional Hospitals, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 87. To exempt the Developmentally Disabled, North Central Alabama, Inc., in Decatur, Alabama, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P) (With Notice and Proof):

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Zoghby:

H. 89. To provide for a reduction in insurance premiums for motor vehicle liability, first party medical, and collision coverages for certain drivers.

COMMITTEE ON INSURANCE

By Representatives Biddle and Petelos:

H. 90. To provide that if a municipality or county imposes a gross receipts tax on the sale of gasoline, the tax imposed on the sale of gasoline by the state or federal government shall not be included in the gross receipts in computing the gross receipts tax owed to the local government.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman:

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman:

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Gullatt:

H. 93. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Gullatt:

H. 94. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Gullatt (With Notice and Proof):

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 95, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gullatt (With Notice and Proof):

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 96, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Holley:

H. 97. To create an Education Technology Fund within the State Treasury; to make an appropriation to the Education Technology Fund for the fiscal year ending September 30, 1994; and to exempt the expenditure of those funds from the provisions of Sections 41-4-220 through 41-4-224, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Harvey:

H. 98. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, which relate to maximum speed limits, so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Harvey:

H. 99. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Harvey:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative McClain (With Notice and Proof):

H. 101. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Penry:

H. 102. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Spratt, Hall (L), Curry, McMillan, Payne, Petelos, Rogers (J), Newton (D), Sanderson, Mikell, Poole, Melton, McDaniel, Drake, Gullatt, McClain, McDowell, Thomas, Millican, Penry, Parker (T), Haney, and Starkey:

H. 103. To provide for the enhancement of the sentence of a person who is convicted of a crime where the victim is elderly, infirmed, or handicapped.

COMMITTEE ON JUDICIARY

By Representative Morton (With Notice and Proof):

H. 104. Relating to Jefferson County; to further provide for the salary for the statutory chief clerk of the probate court of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 104, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representatives Bowling and Drake (With Notice and Proof):

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 107. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 108. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, and Hooper:

H. 109. Providing that topless, bottomless, or nude dancing for monetary consideration is unlawful in any county with a Class III municipality and prescribing penalties for enforcement.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, Powell, and Hooper:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Drake:

H. 111. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

COMMITTEE ON STATE ADMINISTRATION

By Representative Collins (With Notice and Proof):

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P):

H. 113. To amend Section 36-26-27, Code of Alabama 1975, to provide further for procedures relating to dismissals and disciplining of certain employees.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Drake and Bowling:

H. 114. To authorize the merger of Wallace State Community College at Hanceville with the Auburn University System; to provide for the property and personnel of the college; and to specify the responsibilities of the President and the university.

COMMITTEE ON WAYS AND MEANS

By Representative Drake:

H. 115. To create a new district judgeship for Cullman County.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 116. To provide for the filing with the Commissioner of Insurance of certain forms related to health and accident insurance, including the classification of risks and premium rates; to provide procedures for the approval of certain filings including public hearings under certain circumstances; to provide for the disapproval of filings and the withdrawal of approval by the commissioner; and to provide for judicial review of orders or decisions of the commissioner.

COMMITTEE ON INSURANCE

By Representative Drake:

H. 117. To provide for the establishment, composition, and powers of the State Agricultural Museum and Hall of Fame Board.

COMMITTEE ON WAYS AND MEANS

By Representatives Rockhold, Turner, Clark (W), Blakeney, Harper, and Zoghby:

H. 118. To amend as Sections 9-11-53.1 and 9-11-53.2, Code of Alabama 1975, relating to the annual saltwater fishing license and the combination saltwater-freshwater fishing license, to reduce the cost of each license.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Starkey, Ford, Bowling, Drake, McDaniel, Harper, Burke, Lindsey, Rogers (J), Haney, Hawkins, McDowell, and Carns:

H. 119. Proposing an Amendment to the Constitution of Alabama of 1901, to authorize and require the levy of a minimum local ad valorem tax for school purposes in each school district in the state and to provide the procedure to further increase local ad valorem taxes in school districts.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Rockhold, Turner, Clark (W), Blakeney, Harper, and Zoghby:

H. 120. To amend Section 9-11-53.1, Code of Alabama 1975, relating to annual saltwater fishing licensees, to exempt holders of a resident lifetime fishing licenses.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Venable, Cullins, and Newton (C):

H. 121. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Johnson:

H. 122. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Penry:

H. 123. To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide further for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 124. To amend Section 40-25-5, Code of Alabama 1975, to ensure that the seven and one-half percent discount granted for the affixation of tobacco stamps shall not be applicable to county tobacco stamps.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Rogers (J), Barnes, McClain, Spratt, and Melton:

H. 125. To provide for a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; to provide for the disposition of revenues of the lottery and a temporary line of credit for start-up costs and the repayment of start-up costs; and to prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Rogers (J):

H. 126. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Petelos and Curry:

H. 127. To amend Sections 11-67-20, 11-67-21, 11-67-22, 11-67-25, and 11-67-26, Code of Alabama 1975, relating to a procedure for the abatement of weeds constituting a nuisance in Class 5 municipalities, to include Class 6 municipalities in that procedure.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Higginbotham:

H. 128. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

COMMITTEE ON JUDICIARY

By Representative Dolbare (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McClain (With Notice and Proof):

H. 130. To alter and rearrange the boundary lines and corporate limits of the City of Midfield in Jefferson County to remove certain property from the corporate limits of the city.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Flowers:

H. 131. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

COMMITTEE ON INSURANCE

By Representative Hall (L):

H. 132. To provide for certain definitions; to provide that with certain exceptions, it shall be unlawful for a juvenile to be in possession of a pistol; to provide that it shall be a crime for a parent or guardian to intentionally, knowingly, or recklessly to provide a pistol to a juvenile or fail to stop the commission of certain crimes by the juvenile; to provide certain penalties; to provide for the enhancement of the offense for an adult who has in the past been adjudicated as a juvenile offender for the commission of certain crimes; to create a rebuttable presumption that a juvenile would present a serious threat of substantial harm to himself or herself or the community; to provide for a minimum mandatory period of detention for a juvenile adjudicated as a juvenile offender for the commission of a crime that would have been a misdemeanor; to provide that if a person is convicted of violating this act or is adjudicated as a juvenile offender, than a judgement for cost shall be entered in favor of the state; and to provide penalties for the violation of the offenses created by this act.

COMMITTEE ON JUDICIARY

By Representative Cagle (With Notice and Proof):

H. 133. Relating to the City of Carbon Hill in Walker County and the 14th

Judicial Circuit; to amend Act No. 93-531, H. 873, 1993 Regular Session, which increased court costs for hazardous duty pay for police officers in Carbon Hill, to include full-time jailers and dispatchers in the Carbon Hill Police Department as recipients of the hazardous duty pay.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 133, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Cagle (With Notice and Proof):

H. 134. Relating to Walker County; granting certain county employees a day of personal leave in lieu of the Mardi Gras holiday.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 134, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Cagle (With Notice and Proof):

H. 135. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county and paid to the county for the purpose of providing an annual bonus to county employees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Cagle (With Notice and Proof):

H. 136. Relating to Walker County; to levy a tonnage fee for certain solid waste material dumped or deposited on or in any privately-owned solid waste landfill in the county; and to provide for the collection of the fee and the distribution of the proceeds of the fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 136, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carothers:

H. 137. To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representative Flowers:

H. 138. To amend Section 27-2-24, Code of Alabama 1975, relating to examinations of insurers by the Commissioner of Insurance to further provide for the conduct of examinations by the Commissioner of Insurance.

COMMITTEE ON INSURANCE

By Representatives Carothers, Johnson, Flowers, Hall (A), Letson, Gaston, Haynes, Kvalheim, and Freeman:

H. 139. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

COMMITTEE ON HEALTH

By Representative Carothers:

H. 140. To provide for the "Alabama Local Government Training Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Rogers (J), McClain, Barnes, Spratt, and Melton:

H. 141. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; to permit reciprocal agreements with other states.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson:

H. 142. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

COMMITTEE ON HEALTH

By Representatives Rogers (J), Hall (A), Barnes, and Hall (L):

H. 143. To provide for any state employee working a portion of any quarters of the 1993-94 fiscal year to receive a pro rata share of the longevity bonus and the cost-of-living bonus.

COMMITTEE ON WAYS AND MEANS

By Representative Biddle:

H. 144. Authorizing the Department of Mental Health and Mental Retardation to use the Alabama Criminal Justice Information System to secure criminal history background information on certain persons the department employs or contracts with, or both, to be direct care providers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Laird:

H. 145. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Letson (With Notice and Proof):

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 146, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 147, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson:

H. 148. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Mikell (With Notice and Proof):

H. 149. To propose a constitutional amendment to further provide for the extension of the corporate limits of the City of Millbrook and the City of Prattville in Elmore County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 149, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Campbell:

H. 150. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 151. To provide supplemental conditional appropriations to various state agencies from the State General Fund for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 152. To repeal Section 40-1-32.1, Code of Alabama 1975, which established the Proration Prevention Account.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 153. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain local governments for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those local governments for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 154. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public educational entities for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public educational entities for public educational purposes to include, but not limited to, capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 155. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Gadsden for the Quest for Excellence Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Gadsden for the Quest for Excellence Education Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 156. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Tannehill Learning Center for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Tannehill Learning Center for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 157. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to Etowah County for the Youth Symphony Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Etowah County for the Youth Symphony Education Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 158. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Valley for the Community Theatre Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Valley for the Community Theatre Education Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 159. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Department of Youth Services for Children's Harbor for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Department of Youth Services for Children's Harbor for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 160. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Volunteers of Clay, Randolph and Chambers Counties for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Volunteers of Clay, Randolph and Chambers Counties for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 161. To repeal the appropriation made by Act No. 93-789 of the 1993

Regular Session to the Alabama Public School and College Authority for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Public School and College Authority for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 162. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Pickens County Board of Education for the Prisoner of War Museum for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Pickens County Board of Education for the Prisoner of War Museum to be used for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 163. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 164. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Opelika City Board of Education for the Opelika Arts Council for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Opelika Arts Council for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 165. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain legislative delegations and delegation offices for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those legislative delegations and delegation offices for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 166. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Dothan for the Wiregrass Museum of Art Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Dothan for the Wiregrass Museum of Art Education Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 167. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Daughters of the American Revolution School for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Daughters of the American Revolution School for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 168. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Cherokee County Dixie Youth Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Cherokee County Dixie Youth Program for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 169. To repeal the appropriation made by Act 93-789 of the 1993 Regular Session to the Alabama Music Hall of Fame Research Library for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Music Hall of Fame Research Library for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 170. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public libraries for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public libraries for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 171. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to Parent-Teacher Associations of certain public schools for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Parent-Teacher Associations of those public schools for educational purposes for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 174. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 175. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 180. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 181. To make an appropriation from the State General Fund to the

Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 182. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 183. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 188. To make an appropriation to the Home Builders Licensure Board from the Home Builders Licensure Board Fund for the fiscal year ending September 30, 1994, to repay outstanding loans to the Departmental Emergency Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 190. To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 191. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 193. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 194. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 195. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 196. To make an appropriation from the Alabama Special Educational Trust Fund to Miles College for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 197. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 198. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 199. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 200. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1995 and, to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 201. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1995, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 202. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 203. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 204. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 205. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 206. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 209. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Harper and Freeman:

H. 210. To provide for a supplemental appropriation of \$450,000 from the Alabama Special Educational Trust Fund to the Department of Youth Services for the C.I.T.Y. program for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 213. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 214. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Inc. for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 216. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 218. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1995, and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 220. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 221. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Alabama Sports Festival, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 222. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Harper and Freeman:

H. 223. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 225. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Alabama, Inc. for Etowah County, the United Cerebral Palsy of West Alabama, the United Cerebral Palsy of Northwest Alabama, and the United Cerebral Palsy of Mobile for the year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 226. To make supplemental appropriations from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College and to Ingram State Community College for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 227. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 228. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 229. To propose an amendment to the Constitution of Alabama of 1901 which will give the Legislature the power to grant to the Governor the authority to reduce appropriations made by the Legislature to any agency, board, department, commission, bureau or institution in any branch of government when a determination is made by the Governor that funds will not be available to meet the appropriations duly enacted by the Legislature.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Harper:

H. 230. To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and courts under the Judicial Branch of Government among those entities subject to proration.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 231. To require the Alabama Public Service Commission to issue and promulgate rules and regulations requiring owners of railroad bridges over which passengers and hazardous materials are transported to equip the bridges and approaches, in strategic locations, with certain adequate warning systems.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 232. To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-95 fiscal year and to continue thereafter; and to establish miscellaneous pay provisions.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 233. To repeal Act No. 93-680, House Bill 609, as enacted by the Legislature during the 1993 Regular Session.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 234. To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 235. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper (With Notice and Proof):

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 236, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Biddle:

H. 237. To prohibit the release of certain hunting dogs onto the land of another without written permission, from a public road or right of way; and to provide a penalty for violations.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Clark (J):

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Harper:

H. 239. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Cattlemen's Association for the Children's Museum to be used for educational purposes for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper (With Notice and Proof):

H. 240. Relating to Mobile County; abolishing the Dauphin Island Park and Beach Board upon the creation of a municipal park and recreation board for the Town of Dauphin Island.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 240, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

COMMITTEE ON HEALTH

By Representative Campbell:

H. 242. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Sections 17-4-189, 17-4-211, and 17-4-214 of the Code of Alabama 1975, to transfer the Office of Voter Registration to the Secretary of State's office and provide for certain additional personnel in the office; to provide further for the time for reidentifying and registering electors prior to an election; to provide for a centralized system for voter registration under the Secretary of State and for dissemination of information on voter registration under certain conditions and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

COMMITTEE ON WAYS AND MEANS

By Representative McDowell (With Notice and Proof):

H. 243. Relating to Jefferson County; to amend Act No. 929, S.676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for a retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 243, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Johnson and McClain:

H. 244. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

COMMITTEE ON JUDICIARY

By Representative Butler:

H. 245. To amend Section 41-5-6, Code of Alabama 1975, relating to the powers and duties of the Chief Examiner of Public Account; to provide specific authorization to the chief examiner to contract for products and services, expend appropriations, and establish the duty requirements, positions, pay plan, and number of employees of the Department of Examiners of Public Accounts.

COMMITTEE ON WAYS AND MEANS

By Representative Butler:

H. 246. To amend Section 41-5-21, Code of Alabama 1975, relating to sworn reports of the Examiners of Public Accounts, to subject the sworn reports to the deliberative process privilege.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 247. Relating to automated teller machines so as to amend Section 5-5A-30 of the Code of Alabama 1975 to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to a person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law and that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer from time to time; to provide for disclosure of the transaction fee; to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by such bank by customers of another financial institution shall prohibit, limit or restrict the right of such bank to charge any fees not prohibited by law or require such bank to limit or waive its rights under this act, irrespective of whether such contract was entered into before or after the effective date of this act; and to provide for the effective date of this act.

COMMITTEE ON BANKING

By Representative Johnson:

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

COMMITTEE ON WAYS AND MEANS

By Representative Page:

H. 249. Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Millican:

H. 250. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Marion County Board of Registrars.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 251. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1995, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 252. To make an appropriation from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1995 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 255. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 256. To amend Section 10-2A-221(a), Code of Alabama 1975, relating to the authority of a foreign corporation to act as a fiduciary in Alabama; to permit a foreign corporation to act in certain fiduciary capacities without qualifying to do business in Alabama, provided that the foreign corporation's home state grants authority to an Alabama corporation to serve like fiduciary capacities; to add the terms "personal representative" and "conservator" to the list of types of fiduciaries; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

COMMITTEE ON BANKING

By Representative Hammett:

H. 257. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, the State Insurance Fund, the State Employees' Retirement System, the Teachers' Retirement System, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

COMMITTEE ON BANKING

By Representative Freeman:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

COMMITTEE ON HEALTH

By Representative Johnson:

H. 259. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, to include investigators of the Department of Industrial Relations within the definitions of "peace officer" and "policeman" for purposes of compensation for death and disability.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 260. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 261. To require the Alabama Coalition Against Domestic Violence, Incorporated, to establish standards for domestic violence shelters for membership in the coalition; to make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, and to provide for the distribution of the funds.

COMMITTEE ON HEALTH

By Representative Zoghby:

H. 262. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

COMMITTEE ON BANKING

H. 2 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 2, from the Standing Committee on Ways and Means to the Standing Committee on Highway Safety.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 23. COMMENDING MICHAEL CLEMMONS OF CARROLLTON, ALABAMA, ON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT.

Also:

By Representative Goodwin:

H.R. 24. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

Also:

By Representative Hammett:

H.R. 25. MOURNING THE DEATH OF JOHNNY ANDREW WILLIAMSON OF ANDALUSIA, ALABAMA.

Also:

By Representative Butler:

H.R. 26. COMMENDING GRADY ABERNATHY FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

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Also:

By Representative Butler:

H.R. 27. COMMENDING ANN C. VAN LEEUWEN OF MADISON,
ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Representative Layson:

H.R. 28. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY
HEROISM.

Also:

By Representative Parker (T):

H.R. 29. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED
SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

Also:

By Representative Parker (T):

H.R. 30. COMMENDING MISS DOT WIGGINS FOR OUTSTANDING AND
DEDICATED SERVICE TO THE TUSCALOOSA NEWS.

RECESS

On motion of Representative Fuller, the House recessed until 6:15 o'clock
p.m.

JOINT SESSION

The hour of 6:15 o'clock p.m. having arrived, and pursuant to the resolution, H.J.R. 3, heretofore adopted, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, Alabama State Capitol, 600 Dexter Avenue, Montgomery, Alabama, for the purpose of hearing an address by the Honorable Jim Folsom, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Ryan deGraffenried, Presiding Officer of the Senate.

His Excellency, Jim Folsom, Governor of the State of Alabama appeared before the Joint Session and delivered the following address to the Members of the Legislature of Alabama:

Ladies and Gentlemen,...

Tonight marks the first formal opportunity I have to talk with you about the state of the state. There is much I could say. I could tell you about the successes that Commissioner Andy Hornsby is having with our child welfare programs at the Department of Human Resources. I could talk about Mack Roberts' plans for our county road program or Commissioner Charley Grimsley's innovative boating safety program.

Certainly, we could talk about our bold plan to work with Attorney General Jimmy Evans to combat crime and what our specific plans for new economic development initiatives are. Instead, I'm going to concentrate on only one subject--a subject I believe is more important to our future than any other, a subject that is critical to every other problem or challenge we face--how we can provide a first class education for our children--because make no mistake, education is the key to fighting crime, education is the key to providing better paying jobs for all our people.

We stand tonight on the threshold of great promise and great progress for Alabama. Never before has there been a time of greater possibility in Alabama, nor have we ever been blessed with such an opportunity to be the masters of our fate.

Simply said, during the next weeks of this legislative session, it is in our power to shape the destiny of our state and our people.

Tonight, we are gathered in this historic house chamber, where the direction of our state has been forged on so many nights just such as this. We are gathered to begin the task of dramatically changing the future of Alabama for the better.

Those who came before us as elected representatives of the people faced difficult challenges in this very chamber. We, along with our children, learned about those governors, senators and representatives in our history lessons. I would like to pay tribute to a man who has been a leader in the fight for education reform with his tireless efforts over the past several years, the Speaker of the House Jimmy Clark. And to Ryan deGraffenried, who has put in countless hours with the Education Task Force over the last several months as have Representative Starkey and Senator Figures.

But understand clearly that what we begin here tonight will also be recorded as a new chapter of Alabama history. This will be the moment that Alabama either decides to move boldly ahead as we reach for excellence, or it will be the time that we settle once again for mediocrity.

In this room so awash with history, we are looking into the faces of our future. These young boys and girls, sitting here behind me of us, are why we are here. They are our future--our reason for being. They are what will be recorded in history about us. For the decisions we make in the days ahead will greatly influence what their lives will become.

Let me share with you just a few things about some of these young people...Anthony Chambers, Todd Mason and Wendy Walker, students from Cedar Bluff High in Cherokee County, along with their teacher, Rick Clifton, created their own computer assembly company, Tiger Computers, through which students build and market top-grade computers. They've already designed a software and hardware system which currently links four public schools and four public libraries.

Jenia Williams, Kelly Webb, Jessica Autry and Shantrika Maury, students at Coffeerville Elementary in Clarke County, and their teachers Ms. Ethel Leslie and Ms. Karen Donald, have developed a program that involves more than 70 parents and citizens in community plays.

Shawn Franks and Faith Brunner, of Oakman High in Walker County, developed and conducted a door-to-door survey of residents of their school community, then developed a student-staffed community newspaper and are assessing the health status of fellow students at Oakman.

And teachers Sharon Dye, Opehlia Merrill, Craig Nichols and Jerome Parker, teachers at Red Level High School, have developed a full-scale printing business staffed by special education students. Red Level Printing serves the school and community, as well as the Covington County Board of Education.

Brandi Young is a student at Lee High School. She has Downs Syndrome and participates in the Handicapped Individuals Reaching for Employment programs. Years ago, individuals with Downs Syndrome were considered uneducable and very little was expected of them. It's obvious that is not true of Brandi. She won the Sable Award for athlete of the year. She has learned vocational skills which enabled her to hold her first job in the community. She has been working in the Alabama PTA office since March of last year.

These successes show enormous creativity on the parts of these students and their teachers and I'm sure considerable support and encouragement from their parents. They are all to be congratulated. Continued success stories from all our students will come only if we give them the atmosphere for learning and the desire for creativity.

Despite these wonderful success stories we must recognize that most of our Alabama students in our public schools have much to overcome in their struggle to compete with girls and boys from other states. Our Alabama students begin at a competitive disadvantage because more than 80% of our school systems perform

below the national average. More than 30% of all Alabama students drop out of school before they earn a high school degree. And when you think about crime, remember that 90% of the inmates in our state prisons were high school dropouts. We rank 50th-dead last-in the United States in the per pupil funding we provide for primary and secondary education. That is a record which must be changed--and we will change.

Members of the legislature, I am here tonight to ask that you pass the Alabama First Plan for Academic Excellence and that you and I provide the money needed to achieve real fundamental reform of our schools. And I am here to ask that you pass these measures now and not at some undefined date in the future.

We all know that these will not be easy choices because there is a price tag that comes with fundamental education reform. ...

But fellow Alabamians, we have no choice...not because a judge has told us that we must reform our schools..., but because in our hearts we know that it is right.

Look into the faces of these children sitting here and tell them they don't deserve better. Tell them that it's all right for some Alabama children to learn from library books that say one day we will land a man on the moon. Tell them that a picture of a microscope hanging on the blackboard is as good as looking into the real thing.

Look at them and tell them that violence has a rightful place in their school hallways and classrooms. And tell them that it's all right to doom them to a future of knowing less and achieving less than children from other states.

If you believe that it's wrong to tell our children those things, then now is the time for us to bring about fundamental change in Alabama schools.

I am not willing to have one more throw away child. I'm not willing to have one more potentially successful, productive Alabama adult lost to the welfare rolls because we forsook them in their early years.

That's why I'm asking you to support the Alabama First Plan. This is a plan that came out of an unprecedented process of consensus building. A plan based on the experience of Alabama's most successful schools-a plan that is now working in our best schools, such as West Forest School in Opelika. Cheryl Deaton, Principal of West Forest, will be here in the coming days to share with you how her school used the elements of our Alabama First Plan to raise their test scores from last in the district to first in less than two years. It's a plan that has earned the support of the Alabama PTA, the deans of every college of education

in Alabama, Alabama Arise, A+, and many other grassroots organizations throughout the state, as well as the Business Council of Alabama and the Alabama Trial Lawyers. Our plan will challenge children, no matter where they live, to learn at their highest levels. Alabama First will mean that your children and mine will be in classes with fewer students so they can receive more individual attention.

Our plan will mean that children will go to schools that don't leak and arrive there in buses that don't put our most precious resources at risk. We will have 530 new school buses to replace those that were made before 1972.

Alabama First will mean that teachers will have technology and computers for their classrooms and time to prepare for their students. And our plan will provide the kind of professional development that our teachers deserve so that our students get the kind of teachers they deserve. Alabama First will also mean that our teachers will finally be paid more--at least an amount equal to the average of southeastern states--and some day soon at the national average.

Our plan will mean that decisions about education will be made at the local school level--by parents, teachers and administrators. And Alabama First will make our schools accountable to the taxpayers who foot the bill for public education in this state. This kind of accountability is vitally important if our taxpayers are to be confident that they are getting the maximum bang for every new dollar invested in education. Our Alabama First Plan puts more than 95 cents of every new dollar into classroom education and building improvements and not into educational bureaucracy.

Alabama First will also help to reinstitute discipline in the classroom and make our schools safe from crime. Children can't learn and teachers can't teach when they are concerned about whether they are safe at school. Under my plan, the four to five percent of the students who are constant discipline problems will attend alternative schools in each county so they may learn without disturbing our other children.

When the reforms envisioned in the Alabama First Plan take effect, we, as a state, will be able to attract more businesses and better paying jobs because quality education and thriving economic development go hand-in-hand. These sweeping reforms will mean that our children will develop world class skills so they can successfully compete with the kids from any other state or any other country.

And let me set the record straight for the misguided and ill-informed critics: This plan does not teach values-it specifically says that values should be taught at home and in church. And it does not in any way "dumb down" the curriculum. Instead it challenges each child to excel and provides the tools to help them do

just that. This is a plan which will not only teach our children the fundamentals of reading, writing and arithmetic, it will prepare them for the jobs of the future and provide a better life for every Alabama family.

But we also know that some of our children don't come to school on equal footing with their friends. So, this plan will establish family resource centers to provide help for those families who are truly in need. We will be able to offer breakfast programs in some schools because we know that no child can learn if he or she is hungry.

Over the past summer, my wife Marsha held listening sessions all across our state. She listened to people from communities, parents and teachers who cared enough to show up and talk about the needs of children. Those needs are great and they go far beyond what most of us view as simply educational needs.

Day care workers at some locations told her that on Fridays and Mondays their food bills shot up. Why? Because some children faced weekends when they would not have enough food. They watched one two-year-old eat four heaping bowls of cereal at a sitting. My friend, no one can fill her mind with ideas if her stomach is empty every day when she comes to school. How can we know this and not push for immediate change in Alabama?

Tonight I wanted us to concentrate on the desperate need for fundamental education reform and on the specifics of our Alabama First Plan for Academic Excellence. We are eager to share with you the complete details of our funding proposals. Tomorrow I will meet with my Finance Director Jim White and key legislative leaders to release details on how Alabama First will be funded.

But I also want to say emphatically that we must be willing to pay for education reform...we must make this critical investment in their future.

That is our next challenge. After we pass the Alabama First Plan we must immediately provide the stable and permanent funding needed to make this reform plan a lasting one. Every school system must make a reasonable effort to fund education reform. Those systems that have not paid their fair share should be required to meet the basic level of funding that is necessary for education reform. And I believe strongly that it is time that we ask the absentee land owners of Alabama to pay their fair share so we can provide a better economic future for our state. We must ask each community to do their part. Make no mistake we will find the funds at the state level to achieve our goal. And we will provide a stable, reliable source of revenue for the future.

I look forward to working with you to be sure we can fully fund the Alabama First Plan in the most fair and equitable way.

And let me add that any major tax reform that is necessary will be put to a vote of the people. But I am confident that the people of Alabama are ready to invest in our children's future. I am confident they are ready to support fair and equitable tax reform that will move Alabama forward.

It is unfortunate that in Alabama we've always been able to pay for a road or a prison, but we've never been able do pay for our children's education.

We can do better-and we will. We have the opportunity to make this Alabama's finest hour. But we have a basic choice to make; will we settle for some educational half-measure or will we fulfill the public trust and solve this problem that has held us down for so long?

The choice is ours. It won't be an easy task, but we weren't sent here to do an easy job.

As we depart from this historic room tonight, let us resolve to add our names to the list of those who labored before us to make Alabama a better state. And when the roll of history is called, let us be counted among those who were willing to stand up for a better future in 1994.

Let history record that tonight we began the march forward that will move Alabama to the forefront.

It is our time. It is Alabama's time to write a new chapter in our state's history. It is time to reform education. It is time to put Alabama's children--indeed all our children--first.

I thank you and God bless you. Good night.

The Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

ADJOURNMENT

On motion of Representative Starkey and pursuant to the resolution, H.R. 4, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, January 13, 1994.

SECOND DAY

**House of Representatives
Montgomery, Alabama
Thursday, January 13, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Roger Parks, Heritage Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chris Lombard, 5th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

LEAVES OF ABSENCE

At the request of Representative Biddle, leave of absence was granted for Representative Rogers (F).

Also:

At the request of Representative Hogan, leave of absence was granted for Representative Cagle.

Also:

At the request of Representative Zoghby, leave of absence was granted for Representative Box.

Also:

At the request of Representative Rockhold, leave of absence was granted for Representative Blakeney.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 31. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 13, 1994, they adjourn to meet again on Tuesday, January 18, 1994.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 31, was adopted.

Also:

By Representative Campbell:

H.R. 32. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, January 13, 1994, we adjourn to meet again on Tuesday, January 18, 1994, at 2:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 32, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Ghee, Floyd, and Bolling.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Zoghby, Letson and Perdue.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses recess Tuesday, January 11, 1994, in the Alabama State House that the two houses convene again at 6:15 P.M. on January 11, 1994, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Jim Folsom, Governor of Alabama, at 6:30 P.M.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Smith (J), Mitchem, and Underwood.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Zoghby, Letson and Perdue.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Regular Session in 1994, be bound separately from any other Special Session in 1994.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby declares that all federal and state acts and judicial decisions pertaining to the Choctaw Indians within the boundaries of the State of Alabama are reaffirmed.

BE IT FURTHER RESOLVED, That we further declare that all state and county agencies shall be bound and subject to all federal and state acts and judicial decisions pertaining to Choctaw Indians residing within the State of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 4, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

Also:

By Senator Foshee:

S.J.R. 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

Also:

By Senator Dixon:

S.J.R. 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Thomas C. (Tom) Maher of Wetumpka, Alabama, demonstrated exemplary dedication and ability as a public servant for the citizens of Alabama; and

WHEREAS, Tom began his career of public service in Alabama as the Executive Director of the Neighborhood Improvement Council for the City of Mobile, Alabama, in 1978; and

WHEREAS, from January 1984, Tom served eminently and with great dedication as a Legislative Fiscal Analyst with the Alabama Legislative Fiscal Office until his health necessitated his retirement in November 1993; and

WHEREAS, during that period, Tom, through devotion to duty and with his superior intellect, provided the Alabama Legislature and the citizens of the State of Alabama with professional service of the highest level; and

WHEREAS, Tom's work brought him into contact with officials of both the public and private sectors representing diverse fields, including law enforcement, the Judiciary, and financial, administrative and informational systems; and

WHEREAS, his contacts with individuals within these sectors grew from simple acquaintances among colleagues to warm, lasting friendships, as it was impossible to resist Tom's wit, his kind manner, and genuine sincerity; and

WHEREAS, Tom was always eager to help others by resolving work-related problems, as well as providing them with encouragement during times of personal adversity, and we hope that he knows how grateful we were for his concern, and how much he inspired us with his dignity; and

WHEREAS, Tom's family life as a faithful, loving husband and as a devoted father, was worthy of emulation by all; and

WHEREAS, Tom unselfishly gave of himself to make government work better in improving the lives of the citizens of the State, and though that service was greatly appreciated, it was largely unrecognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartfelt appreciation is hereby expressed to the family of Thomas C. Maher for having shared him with those he served and, most especially, those with whom he worked and who loved him as a very special friend.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 8, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

On motion of Representative Carter, the resolution, H.J.R. 5, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

On motion of Representative Carter, the resolution, H.J.R. 6, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

On motion of Representative Turner, the resolution, H.J.R. 8, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

On motion of Representative Carter, the resolution, H.J.R. 9, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

On motion of Representative Carter, the resolution, H.J.R. 10, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 11. COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

On motion of Representative Carter, the resolution, H.J.R. 11, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 12. COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

On motion of Representative Carter, the resolution, H.J.R. 12, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 13. COMMENDING SHANE CLACK OF VINA HIGH SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

On motion of Representative Carter, the resolution, H.J.R. 13, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 14. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

On motion of Representative Carter, the resolution, H.J.R. 14, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY

On motion of Representative Carter, the resolution, H.J.R. 15, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 16, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 17. MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 17, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 18. MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 18, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 19. MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 19, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 20. MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 20, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 21. COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 21, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 22. COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 22, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 172. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

The above bill was read a second time at length as required by the Constitution.

H. 100. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 180. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 182. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 187. (With Substitute): To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

H. 190. To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

H. 191. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 229. To propose an amendment to the Constitution of Alabama of 1901 which will give the Legislature the power to grant to the Governor the authority to reduce appropriations made by the Legislature to any agency, board, department, commission, bureau or institution in any branch of government when a determination is made by the Governor that funds will not be available to meet the appropriations duly enacted by the Legislature.

The above bill was read a second time at length as required by the Constitution.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 230. (With Substitute): To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and courts under the Judicial Branch of Government among those entities subject to proration.

H. 234. (With Substitute): To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 174. (With Amendment): To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 175. (With Amendment): To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

H. 30. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

H. 128. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

H. 26. To amend Section 21-7-4, Code of Alabama 1975, relating to rights of blind and disabled persons to have access to public places and accommodations, and to have the use of guide and hearing dogs, so as to provide for the use of assistance dogs by those persons.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 25. (With Amendment): Amending Section 13A-12-200.1, Code of Alabama 1975, to include topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 21. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 20. (With Substitute): To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 137. (With Substitute): To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

H. 139. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license

subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 247. Relating to automated teller machines so as to amend Section 5-5A-30 of the Code of Alabama 1975 to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to a person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law and that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer from time to time; to provide for disclosure of the transaction fee; to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by such bank by customers of another financial institution shall prohibit, limit or restrict the right of such bank to charge any fees not prohibited by law or require such bank to limit or waive its rights under this act, irrespective of whether such contract was entered into before or after the effective date of this act; and to provide for the effective date of this act.

H. 256. To amend Section 10-2A-221(a), Code of Alabama 1975, relating to the authority of a foreign corporation to act as a fiduciary in Alabama; to permit a foreign corporation to act in certain fiduciary capacities without qualifying to do business in Alabama, provided that the foreign corporation's home state grants authority to an Alabama corporation to serve like fiduciary capacities; to add the terms "personal representative" and "conservator" to the list of types of fiduciaries; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

H. 257. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, the State Insurance Fund, the State Employees' Retirement System, the Teachers' Retirement System, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 262. (With Amendment): To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 45. To amend Section 22-21-8, Code of Alabama 1975, relating to confidentiality of accreditation, quality assurance, and similar materials prepared by certain persons in the health care industry; to provide confidentiality for those materials prepared by persons associated with the Value Improvement Partnership.

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

H. 54. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof until approved by an ordinance enacted, or by a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; to provide for exceptions; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

The above bill was read a second time at length as required by the Constitution.

H. 98. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, which relate to maximum speed limits, so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 140. To provide for the "Alabama Local Government Training Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

H. 102. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

H. 93. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

H. 94. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

H. 41. To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

H. 109. Providing that topless, bottomless, or nude dancing for monetary consideration is unlawful in any county with a Class III municipality and prescribing penalties for enforcement.

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 249. (With Amendment): Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retro-active substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

H. 107. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

H. 108. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

H. 129. Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Holladay:

H. 263. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

COMMITTEE ON JUDICIARY

By Representative Campbell (With Notice and Proof):

H. 264. Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carter (With Notice and Proof):

H. 265. Relating to the City of Athens in Limestone County; to authorize the municipal governing body to waive certain fees for the Habitat for Humanity.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 265, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 266. Amending Section 16-47-10 of the Code of Alabama 1975, granting additional arrest powers to police officers of the University of Alabama, and allowing the police officers to carry the offenders to municipal court.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

COMMITTEE ON STATE ADMINISTRATION

By Representative Smith (C):

H. 268. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of live-stock for specified purposes.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Smith (C):

H. 269. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

COMMITTEE ON JUDICIARY

By Representative Hogan:

H. 270. To permit members of the Teachers' Retirement System to purchase up to ten years of prior service credit for service rendered as a regular employee of Walker College, Inc., in Jasper, Alabama, prior to the merger of the school with the University of Alabama at Birmingham.

COMMITTEE ON WAYS AND MEANS

By Representative Hogan (With Notice and Proof):

H. 271. Relating to Walker County and the 14th Judicial Circuit, to amend Section 2 of Act No. 91-503, H. 1018 of the 1991 Regular Session (Act 1991, p. 892), by providing that hazardous duty pay shall be paid only to deputy sheriffs and jailers employed by and working under the direct supervision of the Sheriff of Walker County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 271, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Fuller:

H. 273. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 274. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority by providing that a water, sewer, or fire protection authority may compensate a director of the authority who serves as a manager of the water system of the authority.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hawkins:

H. 275. To exempt the Sibyl Temple Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins:

H. 276. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and graveyard owners, to further provide for the number of trustees.

COMMITTEE ON PUBLIC WELFARE

By Representative Holley:

H. 277. To make a supplemental appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Enterprise State Junior College for the fiscal year ending September 30, 1994 and to provide for the change of the name of the institution upon review and accreditation by the Southern Association of Colleges and Schools.

COMMITTEE ON WAYS AND MEANS

By Representatives Crow and Willis (With Notice and Proof):

H. 278. Relating to Calhoun County; clarifying that the governing body of Calhoun County has the authority, and expressly authorizing the governing body of Calhoun County, pursuant to general law, to approve or disapprove of any sites used for solid waste collection, transfer, or disposal or for any part of that process.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 278, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Turner:

H. 279. Relating to the filing of a judgement or lien against property owners; to require that a person, corporation, partnership, or other legal entity which wrongly files a judgement or lien shall correct the wrongful filing within 30 days after notification without cost to the aggrieved party; and to provide for civil liability for a failure to correct the wrongful filing.

COMMITTEE ON JUDICIARY

By Representatives McMillan and Turner:

H. 280. To provide criminal penalties for failure to file proof of satisfaction of a lien or judgement on real or personal property with the appropriate court within 30 days of satisfaction of the lien or judgement.

COMMITTEE ON JUDICIARY

By Representatives Hamilton, Carter, Smith (C), McDaniel, Smith (R), Richardson, Turner, Parker (P), and Layson:

H. 281. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Harper:

H. 282. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 283. To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-1995 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 284. To amend Section 1-3-4, Code of Alabama 1975, which provides for the definition of the fiscal year for the state, to change the date of the fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1996 through June 30, 1997; to authorize the Governor to promulgate procedures necessary to implement this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1996-97 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1997-98 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75 percent of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 285. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H.222, 1993 Regular Session, to make a supplemental appropriation to the Department of Mental Health and Mental Retardation.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Barnes, and McClain:

H. 286. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Barnes, and McClain:

H. 287. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J) and Barnes:

H. 288. To exempt the City Stages, Inc. from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Burke, Lindsey, Harper, Richardson, Cosby, McDaniel, Starkey, and Butler:

H. 289. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

COMMITTEE ON WAYS AND MEANS

By Representative Kennedy:

H. 290. To make an appropriation from the Special Educational Trust Fund in the State Treasury to the Northside Center for the Performing Arts in Mobile, Alabama, for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Kvalheim, Zoghby, and Rockhold:

H. 292. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

COMMITTEE ON JUDICIARY

By Representative Newton (C):

H. 293. To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

COMMITTEE ON OIL AND GAS

By Representative Hooper:

H. 294. To require all state agencies to imprint upon consumer information publications provided at no charge to the public a statement declaring the cost of the publication was paid for by the taxpayers.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 295. Permitting local boards of education to allow or encourage, or both, the reading or posting of certain historical and public documents in public schools and at school events; prohibiting certain content-based censorship; and requiring local boards to be notified.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Venable (With Notice and Proof):

H. 296. Relating to Coosa County; providing for the county commission to reimburse the offices of the revenue commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing for the funds to be payable from the general fund of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 296, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable (With Notice and Proof):

H. 297. Relating to Coosa County; to provide for five commissioners elected from single-member districts; to provide for the selection of one commissioner to serve as chair; to provide for the salary of the chair and associate commissioners to be the same as provided by existing law; to provide that effective with the term of office that begins in November, 2000, the judge of probate will no longer serve as ex officio member of the commission or as chair; to provide for the boundaries of the five commission districts; to establish a unit road system for the operation of the county roads and bridges; to provide for the employment of an administrator and county engineer; to require members of the county commission to inspect the roads and bridges in their districts; and to repeal all conflicting law, including but not limited to, Act No. 86-239, H. 775, 1986 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 297, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable (With Notice and Proof):

H. 298. Relating to Coosa County; providing that beer or ale may be sold in cans not exceeding 32 fluid ounces in size.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 298, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Beasley, Johnson, Mikell, and Butler:

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

COMMITTEE ON INSURANCE

By Representative Campbell:

H. 300. To amend Section 27-14-3 of the Code of Alabama 1975, to specify that charitable organizations have an insurable interest in the life of any individual under certain conditions and to provide that this act is declaratory of existing law.

COMMITTEE ON BANKING

By Representatives Gaston, Kvalheim, Zoghby, and Rockhold:

H. 301. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 302. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit

certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Fuller:

H. 303. Relating to protective services for abused, infirm, incapacitated, neglected, exploited, sexually abused, emotionally abused, or maltreated adult persons; to amend Sections 38-9-2, 38-9-6, 38-9-7, 38-9-8, 38-9-9, and 38-9-10, Code of Alabama 1975, to provide definitional changes and penalties involving maltreatment of adult persons; require caregivers to report suspected cases of abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; require investigations within seven days following an oral report of abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; relieve the county departments of human resources from the requirement of investigating reports from certain penal and mental institutions; impose potential criminal liability for failing to report certain abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; and provide further criminal penalties for prohibited acts of abuse, neglect, exploitation, sexual abuse, emotional abuse, or maltreatment.

COMMITTEE ON JUDICIARY

By Representatives Gaston, Kvalheim, Zoghby, and Rockhold:

H. 304. To exempt the Alzheimer's Disease and Related Disorders Association, Inc., and any of its branches, chapters, or agencies, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 305. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Newton (D), McClain, Spratt, and Hilliard (With Notice and Proof):

H. 306. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial court; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 306, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hawkins, Payne, Haney, Sanderson, Gaines, Petelos, Carns, Spratt, and McClain:

H. 307. To provide for minimum sentencing of certain persons convicted of certain heinous sexual offenses against a victim under the age of 17 years if the victim is kidnapped or dies as a result of the conduct; to provide that persons convicted of this crime receive a mandatory minimum sentence of life without parole; and to provide that this act shall be construed in pari materia with other laws relating to certain sexual offenses, sentencing, and punishment.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 308. To propose an amendment to the Constitution of Alabama 1901 to protect the assets of the state insurance fund and the liability trust fund from being used, loaned, encumbered or diverted to or for any purpose other than the purposes for which the said trust funds were established by law.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 309. To amend Section 36-26-18 of the Code of Alabama 1975, relating to the State Merit System, to further provide for the length of provisional appointments.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry, McMillan, and Gaston:

H. 310. Relating to energy conservation, production, and efficiency in the State of Alabama; to adopt a state energy policy; and to provide that the Science, Technology and Energy Division of the Alabama Department of Economic and Community Affairs shall be the state entity to coordinate and implement a state energy plan in compliance with the federal Energy Policy Act of 1992.

COMMITTEE ON OIL AND GAS

By Representative Fuller:

H. 311. Relating to the awarding of the custody of a child upon the granting of a divorce or the voluntary separation of a husband and wife; specifying the forms of custody that may be awarded; specifying the effects of changes in residency on a custody award; specifying visitation rights; permitting a child of a certain age to designate the custodial parent; providing for agreements between parents regarding custody; providing for venue, tax treatment, child support, and access to records; prohibiting certain actions when visitation is denied or ordered; child support payments are not paid and providing certain penalties and remedies; and repealing certain conflicting laws.

COMMITTEE ON JUDICIARY

By Representatives Newton (D), McClain, Spratt, and Hilliard (With Notice and Proof):

H. 312. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial court; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 312, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Kvalheim, Gaston, Rockhold, Zoghby, Buskey, Harper, and Kennedy (With Notice and Proof):

H. 313. To amend further Section 16 of Act No. 243, H. 278, First Special Session of 1964, as amended, which provides for the pension and relief system for policemen and firefighters of the City of Mobile, to provide for disability and death benefits for police officers resulting from certain occupational diseases.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 313, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Clark (J), Petelos, Freeman, Gullatt, Laird, Holley, and Lindsey:

H. 314. To amend Section 9-8A-3 of the Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by certain members; and to provide for the replacement of a designee absent from three or more consecutive meetings without cause.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Kvalheim, Gaston, Harper, Hooper, McMillan, Penry, and Cosby:

H. 315. To provide that in consumer credit transactions an individual, corporation, general partnership, limited partnership, limited liability company, or nominee who is the holder of a purchase money mortgage or vendor's lien secured by residential real estate or who is the assignee of a purchase money mortgage or vendor's lien secured by residential real estate is not to be considered a creditor.

COMMITTEE ON BANKING

By Representative Harper:

H. 316. To make an appropriation from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 317. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 318. To make a supplemental appropriation to the Department of Public Health for the fiscal year ending September 30, 1994, for educational purposes related to the training of counselors in long-term care facilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Spratt, McDowell, Newton (D), Gaines, Biddle, and Curry:

H. 319. To grant to all peace officers, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

COMMITTEE ON JUDICIARY

By Representatives Turnham and Smith (C):

H. 320. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Harper, Clark (J), Gullatt, Laird, Sanderford, Holley, and Lindsey:

H. 321. To make a supplemental and additional appropriation from the Alabama Special Educational Trust Fund to the Local Boards Program of the State Board of Education for Teachers' Sick Leave, Support Personnel Sick Leave, Teachers' Personal Leave, and Support Personnel Personal Leave for the 1993-94 fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Perdue (With Notice and Proof):

H. 322. To authorize certain municipalities to employ firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 322, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Cosby:

H. 323. Relating to scrap tire disposal and management in this state; to levy fees on the sale of tires, to manage the proceeds for the abatement of scrap tires; to prescribe penalties for violations of the act; to distribute fees for the management of scrap tire hauling, processing, and storage; to provide funding for the Alabama Department of Environmental management in the administration of the act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Harper:

H. 324. To amend Section 41-9-252, Code of Alabama 1975, to provide for an executive director, assistant director, and staff to perform educational, promotional, and fund-raising functions relating to the Old Cahaba Capitol Site.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Perdue (With Notice and Proof):

H. 325. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 325, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Mikell (With Notice and Proof):

H. 326. Relating to Elmore County; to further provide for the extension of the corporate limits of the City of Millbrook and any municipality located entirely or partially in another county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 326, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Clark (J), Freeman, Sanderford, Harper, Carter, Penry, Harvey, Rockhold, Burke, Millican, Sanderson, McDowell, Gullatt, Zoghby, Hammett, Laird, Campbell, Smith (R), Hamilton, Curry, Richardson, Starkey, Turnham, Parker (T), Smith (C), and Powell:

H. 327. To make legislative findings with respect to the need to continually bring energetic qualified personnel into employment in public education, which should promote the implementation of public education reform; to provide for a two-month retirement window with two years of additional service credited to the accounts of eligible active members of the Teachers' Retirement System who are currently employed in kindergarten through grade 12; to provide that one-half of the savings realized by the school boards employing the members who retire under the provisions of this act shall be paid to the Teachers' Retirement System for three years and that the remaining one-half savings shall be expended by the boards directly for academic instruction; to provide a method for calculating the estimated savings realized by the employer; to provide that the state salary allotment paid to the employer school system on behalf of each retiring member who holds a teaching certificate be maintained for three years; and to appropriate the funds necessary to maintain the state salary allotment.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Perdue (With Notice and Proof):

H. 328. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 328, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morton (With Notice and Proof):

H. 329. Relating to the City of Birmingham in Jefferson County; to amend Act No. 453, H. 427 of the 1967 Regular Session (Acts 1967, p. 1129), as amended by Act No. 393, H. 1317 of the 1975 Regular Session (Acts 1975, p. 976), as amended, establishing a pension and relief fund for officers and

employees of the library board of any city having a population of 300,000 or more according to the 1970 or any subsequent federal census, to authorize the library board employer of the members of the Library Board Employees' Pension and Relief Fund to pay certain employee contributions for certain members of the system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 329, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 330. Relating to insurance; to provide that insurance coverage for medically necessary early intervention services be included as coverage for newborn children under any insurance policy, nonprofit service corporation contract, or health maintenance organization evidence of coverage; providing family members' coverage; providing that the benefits be provided as part of a basic benefits policy, with certain maximum coverage; and providing that the benefits paid not be applied by the insurer against any maximum benefit limits, as may be specified in the policy, by amending Section 27-19-38, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 331. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

COMMITTEE ON HEALTH

By Representative Petelos (With Notice and Proof):

H. 332. Relating to Jefferson County; to amend Section 16 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as amended, relating to creating and establishing a countywide civil service system; to provide further for the use of eligible lists by the appointing authorities.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 332, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Newton (D) and Perdue (With Notice and Proof):

H. 333. To authorize certain municipalities to employ police officers without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 333, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D) (With Notice and Proof):

H. 334. Relating to Jefferson County; to amend Section 1 of Act No. 85-836, S. 21 of the 1985 Second Special Session, to provide that the sheriff receive the total amount of the salary paid to the District Attorney for the Tenth Judicial Circuit commencing with the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 334, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carns, Curry, Gaines, Sanderson, Hawkins, McKee, Haney, Smith (R), Kvalheim, Gaston, and Payne:

H. 335. To change the name of the Department of Human Resources to the Office of Temporary Assistance and to provide for the preparation of a plan to reduce the number of persons receiving public assistance in the state.

COMMITTEE ON STATE ADMINISTRATION

By Representative Smith (C):

H. 336. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representatives Hilliard, Spratt, Newton (D), and Perdue:

H. 337. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Flowers:

H. 338. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

COMMITTEE ON INSURANCE

By Representatives Hill and Cosby:

H. 339. To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum subject to the same limitations imposed on the Legislature with certain exceptions.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Gaston, Kvalheim, Zoghby, and Rockhold:

H. 340. To exempt the Camp Rap-A-Hope Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Beasley, Clark (J), McDaniel, Rockhold, Curry, Parker (T), Powell, Butler, Lindsey, and Gullatt:

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Carothers, Beasley, Clark (J), McDaniel, Rockhold, Burke, Curry, Parker (T), Powell, Butler, Lindsey, and Gullatt:

H. 342. Relating to all civil actions in tort, contract, or otherwise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than ten years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of ten years; to provide when a cause of action accrues or arises; to provide that this act shall not apply to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

COMMITTEE ON BUSINESS AND LABOR

By Representative Carothers:

H. 343. To amend Section 40-6A-2 of the Code of Alabama 1975, relating to the minimum compensation of county tax officials, to provide further for the compensation.

COMMITTEE ON HEALTH

By Representative Newton (C):

H. 344. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

COMMITTEE ON HEALTH

By Representative Turnham:

H. 345. To amend Sections 40-12-240 and 40-12-264, Code of Alabama 1975, to add new definitions; to provide further for the number available and the fee payable for a demonstration tag; to provide for the creation of manufacturer tags, and levying a fee for manufacturer tags; to distribute proceeds of the fees; and to provide penalties for violations.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 346. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 347. To provide for forfeiture of a motor vehicle driven or operated under the influence by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture and certain exceptions for family hardship cases.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 348. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

COMMITTEE ON JUDICIARY

RESOLUTIONS

The following resolutions were introduced:

By Representatives Richardson, Starkey, Hamilton, Carter, Goodwin and Black (M):

H.J.R. 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the University of North Alabama (UNA) on the phenomenal success of the 1993 football season which culminated in the NCAA Division II National Championship by virtue of a 41-34 victory over Indiana University of Pennsylvania; and

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WHEREAS, the University of North Alabama, in addition to claiming the national title, also finished the 1993 season with a perfect 14-0 record, the first perfect season in UNA and Gulf South Conference history, and became only the fourth team in Division II history to finish a season at 14-0; and

WHEREAS, further, the University of North Alabama, under the leadership of Head Coach Bobby Wallace, finished 7-0 in the Gulf South Conference, winning the conference championship for the fourth time, and in playing for the National Championship on its home field at Braly Stadium, became the first school in the 21-year history of NCAA Division II football to play for the title on its home field; and

WHEREAS, the national championship game attracted an overflow crowd to Braly Stadium, and was viewed by countless others in a national television audience; and

WHEREAS, North Alabama's coach, Bobby Wallace, was named Gulf South Conference Coach of the Year and Kodak Regional Coach of the Year, and the UNA team included eight All-Conference and four All-America performers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in admiration for their dedication and hard work throughout the 1993 season, we hereby most highly commend the University of North Alabama NCAA Division II Football Champions, and direct that copies of this resolution be prepared for appropriate presentation and display by the University.

The resolution, H.J.R. 33, was read and referred to the Standing Committee on Rules.

Also:

By Representative Cosby:

H.J.R. 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that on December 14, 1819, the territory of Alabama was admitted as a State of the United States of America, and its first Constitution was signed at Constitution Hall in Huntsville, Alabama; and

WHEREAS, this is a significant milestone in our state's history that should be properly celebrated; and

WHEREAS, the Alabama Department of Tourism and Travel should be designated to coordinate the celebration of the 175th Anniversary of the State of Alabama; and

WHEREAS, because of her contributions to the state, Mrs. Marsha Folsom, the First Lady of the State of Alabama should be named as honorary chairperson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate 1994 as the official 175th Anniversary of Alabama's admittance as a State of the United States, designate the Alabama Department of Tourism and Travel as the coordinating agency for the observance of this anniversary, and name Mrs. Marsha Folsom as the honorary chair of the event.

The resolution, H.J.R. 34, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hill:

H.J.R. 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

WHEREAS, Sergeant First Class Thomas E. Taney of Pelham, Alabama, is a native of Utica, New York, an alumnus of Aquinas Institute and is Operations Non-Commissions Officer of the 314th Press Camp Headquarters, Birmingham, Alabama, where he has been assigned since 1987; and

WHEREAS, as a member of the United States Army (1961-1994), Thomas E. Taney has had a distinguished military career of 25 years, retiring as Operations Non-Commissions Officer, 314th Public Affairs Detachment, Press Camp Headquarters, Birmingham, Alabama; and

WHEREAS, during his Army career, he has served in overseas assignments in Saudi Arabia as First Sergeant, in the Republic of China as Supervisor of Microwave Communications, in the Republic of Germany as a Maintenance Chief, and in other major assignments which have included Fort Campbell, Kentucky, as an Airborne Rifleman, and Fort Hunter Liggett, California, as First Sergeant; and

WHEREAS, Thomas E. Taney has many civilian honorariums including Lieutenant Colonel Aid-de-Camp to the Governor of Alabama and Lieutenant Colonel Aid-de-Camp for both the Army and Navy of the State of Georgia Militia; and

WHEREAS, Thomas E. Taney, among numerous awards and citations, is the recipient of the Army Achievement Medal, Good Conduct Medal with 5 Knots, National Defense Medal with Bronze Service Star, Southwest Asia Service Medal with Bronze Service Star, Armed Forces Reserve Medal, Meritorious Service Ribbon, Non-Commissioned Officer Development Ribbon with 3 Devices, Overseas Service Ribbon, Army Reserve Components Overseas Training Ribbon, Parachute Badge and Gold Recruiters Badge with 3 Sapphire Stars; and

WHEREAS, Thomas E. Taney has served faithfully to the Alabama Officers and Non-Commissioned Officers during his military career, and also provided outstanding leadership and counsel to the Alabama soldiers under his command as attested by Sergeant Major James P. Maddox, a citizen of the State of Alabama for 55 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Thomas E. Taney of Pelham, Alabama, on his outstanding career of 25 years with the United States Army, and do further direct that he receive a copy of this resolution, executed in highest regard and in recognition of loyal and distinguished service to his country.

The resolution, H.J.R. 35, was read and referred to the Standing Committee on Rules.

Also:

By Representative Holmes:

H.J.R. 36. TEST FOR MEMBERS OF THE ALABAMA LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Alabama Law Institute at the University of Alabama is hereby directed to develop Intelligence Tests for members of the Alabama Legislature dealing with the Constitution of Alabama, Alabama Legislative Process and the Rules of The House and Senate.

BE IT FURTHER RESOLVED, that said test shall be administered to each member of the legislature at the beginning of each term.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 36.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 36, and the motion was lost, lacking a four-fifths vote.

Yeas 26; Nays 18.

Yea:

Representatives Barnes, Buskey, Crow, Curry, Dolbare, Gaston, Gullatt, Hilliard, Holmes, Kennedy, Kvalheim, McClain, McKee, McMillan, Newton (D), Penry, Perdue, Petelos, Rockhold, Sanderson, Smith (C), Spratt, Thomas, Walker, Willis and Zoghby.

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Nay:

Mr. Speaker, Beasley, Carns, Carter, Collins, Hammett, Haney, Harvey, Hawkins, Hill, Knight (A), Lindsey, McDaniel, Mikell, Richardson, Sanderford, Turnham and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Turnham, McDaniel, Butler, Carothers, Johnson, Flowers, Hammett, Venable, Powell, Smith (C), Hill, Knight (A), Page and Hooper:

H.J.R. 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Auburn University Head Coach Terry Bowden is hereby most respectfully requested to appear before a joint session of the Alabama Legislature, at a time and date to be set at the earliest convenience of Coach Bowden.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives, by copy of this resolution, shall advise Coach Bowden of this invitation and of our hopeful anticipation of his acceptance.

The resolution, H.J.R. 37, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morton:

H.J.R. 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

WHEREAS, The Alabama Legislature, in highest commendation, proudly recognizes Alabama native Coach Bobby Bowden of Florida State University on his recent 1993 National Football Championship; and

WHEREAS, Coach Bowden, in his 28th season as a head coach with a phenomenal record of achievements and honors to his credit, captured the championship title in the Orange Bowl in Miami on New Years Day; and

WHEREAS, in a dramatic, heart-stopping finish, Coach Bowden's Florida State Seminoles defeated the Nebraska Cornhuskers 18-16, to be selected Number One in the nation by both major football polls; and

WHEREAS, a native of Birmingham, Alabama, Coach Bowden graduated from Woodlawn High School, attended the University of Alabama, and received his undergraduate degree from Howard College, now Samford University; and

WHEREAS, Coach Bowden, over his illustrious career as a head coach has claimed a total of 239 victories, second only to Joe Paterno among active coaches, which include 31 at Samford, his alma mater, (1959-1962), 42 at West Virginia (1970-1975), and 166 since 1976 at Florida State; and

WHEREAS, his successes and achievements in the record books and over the past 18 years at Florida State are legendary, to many, exceeded only by his character as a man and influence and impact on the lives of countless young men who have come under his guardianship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Bobby Bowden of Florida State University on the 1993 National Football Championship, and direct that he receive a copy of this resolution as an expression of our highest tribute and regard.

The resolution, H.J.R. 38, was read and referred to the Standing Committee on Rules.

Also:

By Representative McClain:

H.J.R. 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

WHEREAS, the Alabama Legislature, in consensus of commendation, herein recognizes Mayor Larry Langford of Fairfield, Alabama, as a recipient of the Federal Bureau of Investigation Director's Community Leadership Award for 1993; and

WHEREAS, as one of only 56 recipients nationwide, and the only mayor in the county to receive the prestigious award this year, Mayor Langford was honored for his dedicated efforts in preventing drug abuse among our nation's youth; and

WHEREAS, the FBI Director's Community Leadership Award was initiated in 1990 for outstanding contributions to the bureau's Drug Demand Reduction Program which began in 1988, and Mayor Langford's selection for this signal honor was based on his work with the Birmingham FBI office in an annual drug education conference, as well as his numerous speeches to schools and various organizations on the dangers of drug abuse and prevention methods to combat substance addiction; and

WHEREAS, further noted was the City of Fairfield's drug-screening test for all municipal employees which is stated by Mayor Langford as exemplifying "the kind of commitment and contributions that can be made by public officials;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Mayor Larry Langford, of the City of Fairfield, Alabama, on the national recognition his drug prevention endeavors have received; we further most highly commend his many endeavors in the prevention of drug abuse among our youth, and direct that he receive a copy of this resolution of warmest personal regard.

The resolution, H.J.R. 39, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy and Buskey:

H.J.R. 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes Curtis M. Flakes as recipient of an award presented by the Secretary of the Army on November 18, 1993, honoring his outstanding contributions and achievement in Equal Employment Opportunity (EEO); and

WHEREAS, Mr. Flakes, who currently serves as Assistant Chief, Planning and Environmental Division, U. S. Army Corps of Engineers, Mobile District, Mobile, Alabama, has not only served his position ably and effectively, but, at the same time, has provided exemplary leadership, direction, and commitment toward improving opportunities and potential for advancement for women and minorities in the Mobile area; and

WHEREAS, he has established highly effective training and career awareness programs and constantly seeks new ways to motivate and inspire young people to their highest potential; and

WHEREAS, he also continues to actively support Historically Black Colleges and Universities, and his successful model initiatives have led to increased inclusion of these institutions in Federal Government activities; and

WHEREAS, a native of Lafayette, Alabama, Mr. Flakes earned his B.S. degree from Alabama A & M University and a Master's degree from Florida Institute of Technology; and

WHEREAS, over the course of his career, Mr. Flakes served successively as a biology instructor with the St. Lucie County School Board in Ft. Pierce, Florida; as an agricultural commodity grader with the U. S. Department of Agriculture; and with the Corps of Engineers as a biologist, Special Programs Coordinator, and as Chief of the Coastal Environmental Section, before assuming his present position; and

WHEREAS, Mr. Flakes, in addition to career demands and responsibilities, has provided leadership and support in civic and community affairs such as United Way, Leadership Mobile, and as a member of Vestry Episcopal Church of the Good Shepherd; and

WHEREAS, over the years, Mr. Flakes has been the recipient of numerous accolades and awards honoring his accomplishments, including letters of commendation, exceptional performance ratings, and sustained superior performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding contributions and achievement in Equal Opportunity Employment, we hereby commend Curtis M. Flakes of Mobile, Alabama, for whom a copy of this resolution of highest tribute shall be provided.

The resolution, H.J.R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Representative Laird:

H.J.R. 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

WHEREAS, First Sergeant Charles Manley Clack entered the Alabama National Guard in 1954 during the construction of the present armory; and

WHEREAS, he served in Company B, First Battalion, 167th Infantry; and

WHEREAS, since that time Sergeant Clack has served in: Company B, Second Battalion, 200th Infantry; Battery A, Second Battalion, 117th Field Artillery; and Detachment 2, 123rd Supply and Service Company; and

WHEREAS, Sergeant Clack became a full-time duty Technical and Administrative Supply Technician in 1966; and

WHEREAS, Clack was promoted to First Sergeant in 1975; and

WHEREAS, First Sergeant Clack currently serves as Administrative Supervisor of the Alabama Military Academy at Fort McClellan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Guard Armory in Roanoke, Alabama, be named the "Charles Manley Clack Armory."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to First Sergeant Charles Manley Clack.

The resolution, H.J.R. 41, was read and referred to the Standing Committee on Rules.

Also:

By Representative Laird:

H.J.R. 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama extends best wishes to Mrs. Lillie Bell Sanders Clark of Lanett, Alabama, on the occasion of her 91st birthday, January 31, 1994; and

WHEREAS, Mrs. Clark, one of nine children and born January 31, 1903, to A. D. and Eugenia Sanders, is a native and lifelong resident of Chambers County; she is a devoted and active member of Lanett Baptist Church, and the mother of two children, a son, Robert Clark who is deceased, and a daughter, Mrs. Helen C. Waites; and

WHEREAS, a beloved member of her community, Mrs. Clark is a warm and gracious lady who has led a long and rewarding life and, at the age of 91, maintains her own home, is faithful in attendance and service to her church, and remains keenly interested in community affairs, her family, neighbors, and many friends; and

WHEREAS, the celebration of one's 91st birthday is indeed a momentous event and, most particularly, for such an estimable lady as Mrs. Sanders and one who is so filled with enthusiasm for life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend heartfelt congratulations to Mrs. Lillie Bell Sanders Clark of Lanett, Alabama, for whom a copy of this resolution shall be provided, with sincere best wishes for continuing good health and happiness for many more years to come.

The resolution, H.J.R. 42, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 43. MOURNING THE DEATH OF MINNIE LEE MCLEAN GILL OF GROVE HILL, ALABAMA.

Also:

By Representatives McClain and Petelos:

H.R. 44. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Floyd, Ghee, and Bolling.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Smith (J), Underwood, and Mitchem.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 7. URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

McDOWELL LEE
Secretary

ADJOURNMENT

On motion of Representative Penry and pursuant to the resolution, H.R. 32, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, January 18, 1994.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 18 , 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Dicky McAllister, Director of Missions, Geneva Association, Hartford, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lisa Stephens, 7th Grade, Houston Academy, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

REPORT FILED

The Report of the Judicial Compensation Commission was submitted by the Chairman, Charles R. Adair, Jr., to the Alabama Legislature of 1994, and the report was ordered filed.

LEAVES OF ABSENCE

At the request of Representative Biddle, leave of absence was granted for Representative Rogers (F).

Also:

At the request of Representative Rockhold, leave of absence was granted for Representative Turner.

Also:

At the request of Representative Ford, leave of absence was granted for Representative Rich.

RESOLUTIONS

The following resolution was introduced:

By Representative Campbell:

H.R. 45. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 18, 1994, we adjourn to meet again on Thursday, January 20, 1994, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 45, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 46. HONORING THE REVEREND FRANK MADISON REID III, AND WELCOMING HIM TO ALABAMA.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolutions and ordered same returned to the House with a favorable report:

S.J.R. 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

Also:

S.J.R. 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

Also:

S.J.R. 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

On motion of Representative Carter, the resolutions, S.J.R. 5, S.J.R. 6 and S.J.R. 7 were adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

On motion of Representative Carter, the resolution, S.J.R. 8, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

On motion of Representative Carter, the resolution, H.J.R. 33, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

On motion of Representative Carter, the resolution, H.J.R. 34, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

On motion of Representative Carter, the resolution, H.J.R. 35, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

On motion of Representative Carter, the resolution, H.J.R. 37, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

On motion of Representative Carter, the resolution, H.J.R. 38, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

On motion of Representative Carter, the resolution, H.J.R. 39, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 40, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

On motion of Representative Carter, the resolution, H.J.R. 41, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

On motion of Representative Carter, the resolution, H.J.R. 42, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 23. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 151. (With Substitute): To provide supplemental conditional appropriations to various state agencies from the State General Fund for the fiscal year ending September 30, 1995.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 153. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain local governments for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those local governments for educational purposes for the fiscal year ending September 30, 1994.

H. 154. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public educational entities for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public educational entities for public educational purposes to include, but not limited to, capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance for the fiscal year ending September 30, 1994.

H. 155. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Gadsden for the Quest for Excellence Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Gadsden for the Quest for Excellence Education Program for educational purposes for the fiscal year ending September 30, 1994.

H. 156. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Tannehill Learning Center for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Tannehill Learning Center for educational purposes for the fiscal year ending September 30, 1994.

H. 157. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to Etowah County for the Youth Symphony Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Etowah County for the Youth Symphony Education Program for educational purposes for the fiscal year ending September 30, 1994.

H. 158. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Valley for the Community Theatre Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Valley for the Community Theatre Education Program for educational purposes for the fiscal year ending September 30, 1994.

H. 159. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Department of Youth Services for Children's Harbor for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Department of Youth Services for Children's Harbor for educational purposes for the fiscal year ending September 30, 1994.

H. 160. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Volunteers of Clay, Randolph and Chambers Counties for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Volunteers of Clay, Randolph and Chambers Counties for educational purposes for the fiscal year ending September 30, 1994.

H. 161. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Alabama Public School and College Authority for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Public School and College Authority for educational purposes for the fiscal year ending September 30, 1994.

H. 162. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Pickens County Board of Education for the Prisoner of War Museum for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Pickens County Board of Education for the Prisoner of War Museum to be used for educational purposes for the fiscal year ending September 30, 1994.

H. 163. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for educational purposes for the fiscal year ending September 30, 1994.

H. 164. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Opelika City Board of Education for the Opelika Arts Council for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Opelika Arts Council for educational purposes for the fiscal year ending September 30, 1994.

H. 165. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain legislative delegations and delegation offices for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those legislative delegations and delegation offices for educational purposes for the fiscal year ending September 30, 1994.

H. 166. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Dothan for the Wiregrass Museum of Art Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Dothan for the Wiregrass Museum of Art Education Program for educational purposes for the fiscal year ending September 30, 1994.

H. 167. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Daughters of the American Revolution School for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Daughters of the American Revolution School for educational purposes for the fiscal year ending September 30, 1994.

H. 168. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Cherokee County Dixie Youth Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Cherokee County Dixie Youth Program for educational purposes for the fiscal year ending September 30, 1994.

H. 169. To repeal the appropriation made by Act 93-789 of the 1993 Regular Session to the Alabama Music Hall of Fame Research Library for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Music Hall of Fame Research Library for educational purposes for the fiscal year ending September 30, 1994.

H. 170. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public libraries for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public libraries for educational purposes for the fiscal year ending September 30, 1994.

H. 171. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to Parent-Teacher Associations of certain public schools for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Parent-Teacher Associations of those public schools for educational purposes for the fiscal year ending September 30, 1994.

H. 316. To make an appropriation from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 317. (With Substitute): To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 123. (With Amendments): To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for

reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide further for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 42. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

H. 60. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

The above bill was read a second time at length as required by the Constitution.

H. 62. Relating to Franklin County; providing for the election of the county superintendent of education by the qualified electors of the Franklin County School District.

H. 73. Relating to Escambia County; amending Act No. 88-836, H. 183, 1988 Special Session, which levies a county cigarette tax, and to provide further for the distribution of the proceeds from the tax.

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

H. 265. Relating to the City of Athens in Limestone County; to authorize the municipal governing body to waive certain fees for the Habitat for Humanity.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

Also:

H.J.R. 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

Also:

H.J.R. 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

Also:

H.J.R. 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

Also:

H.J.R. 11. COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 12. COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

Also:

H.J.R. 13. COMMENDING SHANE CLACK OF VINA HIGH SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

Also:

H.J.R. 14. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

Also:

H.J.R. 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY

Also:

H.J.R. 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

Also:

H.J.R. 17. MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 18. MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

Also:

H.J.R. 19. MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 20. MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

Also:

H.J.R. 21. COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 22. COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

Also:

H.J.R. 31. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

Also:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

Also:

H.J.R. 7. URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 137 RECOMMITTED

On motion of Representative Carothers, the Speaker recommitted the bill, H. 137, from the Calendar to the Standing Committee on Health.

H. 63 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 63, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 1.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hammett:

H. 349. To make a supplemental appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of MacArthur State Technical College and Lurleen B. Wallace State Junior College for the fiscal year ending September 30, 1994, and to provide for the change of the name of the institutions upon review and accreditation by the Southern Association of Colleges and Schools.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McClain, Morton, and Hilliard:

H. 350. To make an appropriation from the Alabama Special Educational Trust Fund to the University of Alabama at Birmingham for the establishment of an Athletic Trainers Program for the Birmingham Public Schools Athletic Department for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McClain, Morton, and Hilliard:

H. 351. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the restoration and preservation of the Rickwood Field Baseball Park for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 352. To provide for the "Rooming and Boarding Home Registration Act of 1993"; to establish a statewide registry of all rooming homes, boarding homes, and assisted living facilities; to authorize the State Board of Health to enforce the act; and to provide for administrative fines and penalties and criminal penalties for violations of the act.

COMMITTEE ON HEALTH

By Representative Curry:

H. 353. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Freeman:

H. 354. To repeal Sections 22-21-290, 22-21-291, 22-21-292, 22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

COMMITTEE ON WAYS AND MEANS

By Representative Biddle:

H. 355. To exempt the Forestdale Lions Club from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins (With Notice and Proof):

H. 356. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 356, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hawkins:

H. 357. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins:

H. 358. To provide for the use of safety belts by adults and children, with exceptions; to establish the "Alabama Safety Belt Use Act of 1994"; to provide for fines and punishment for violators; to repeal Sections 32-5B-1 to 32-5B-7, inclusive, Code of Alabama 1975, relating to the use of safety belts; and to provide for a delayed effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hall (A), Drake, Freeman, Crow, Turner, Kvalheim, Hogan, Page, Hall (L), Rogers (J), Hilliard, Penry, Butler, Burke, Millican, Parker (P), Rockhold, Cagle, and Bowling:

H. 359. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

COMMITTEE ON WAYS AND MEANS

By Representative Holley:

H. 360. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid

balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

COMMITTEE ON INSURANCE

By Representative Hooper:

H. 361. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 362. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the construction or establishment of additional public community colleges, junior colleges, trade schools, and technical schools or colleges.

COMMITTEE ON EDUCATION

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 363. To require all public schools to designate a time each school day for the Pledge of Allegiance to the flag of the United States.

COMMITTEE ON EDUCATION

By Representative Hooper:

H. 364. To require that certain tax notices include information concerning the availability of the homestead exemption.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hooper:

H. 365. To establish the Individual Medical Account Act; to allow persons to make contributions to medical accounts to defray certain medical, dental, and long-term care expenses.

COMMITTEE ON BANKING

By Representative Campbell:

H. 366. To exempt Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Smith (R), McDaniel, Hamilton, Collins, Millican, Curry, Sanderford, Page, Parker (T), Morton, Turner, McMillan, Penry, Kvalheim, Beasley, Clark (J), Walker, Knight (A), Mikell, Hooper, Newton (D), Carns, Willis, Crow, McKee, Campbell, Higginbotham, Petelos, Payne, Powell, Turnham, Williams, Hammett, Cullins, Dolbare, Hawkins, Richardson, Black (M), and McDowell:

H. 367. To amend Sections 17-16-25 and 17-16-50, Code of Alabama 1975, to make certain voter lists available to chairpersons of county executive committees of political parties.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Drake:

H. 368. To amend Section 40-2-10, Code of Alabama 1975, to clarify that the requirements of the Peace Officers Training and Standards Commission are applicable to law enforcement agents of the Department of Revenue and to include enforcement of the drugs and controlled substances excise tax and criminal tax offenses and related criminal tax violations within the police powers of those agents.

COMMITTEE ON JUDICIARY

By Representatives Dolbare, Cosby, Black (L), Bryant, Blakeney, Thomas, and Warren:

H. 369. To provide for the funding of the Alabama Tombigbee Regional Commission; for this purpose to make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Tombigbee Regional Commission for the fiscal year ending September 30, 1995; and to provide for the use of the funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderford, Haney, and Hall (L) (With Notice and Proof):

H. 370. Relating to Madison County; authorizing the Madison County Commission to levy an additional ad valorem tax; and providing for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 370, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare:

H. 371. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

COMMITTEE ON EDUCATION

By Representative White:

H. 372. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

COMMITTEE ON MILITARY AFFAIRS

By Representative Johnson:

H. 373. To exempt certain Scottish Rite Bodies from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hall (A):

H. 374. To provide that elected county officials in Madison County would be subject to recall.

COMMITTEE ON LOCAL LEGISLATION NO. 4

The above bill was read a first time at length as required by the Constitution.

By Representative Starkey:

H. 375. Proposing an Amendment to the Constitution of Alabama of 1901, to authorize and require the levy of a minimum local ad valorem tax for school purposes in each school district in the state and to provide the procedure to further increase local ad valorem taxes in school districts; and proposing an Amendment to Section 217, as amended by Amendment No. 373 of the Constitution of Alabama of 1901, to provide for the assessment of all property in three classifications and for the change in the assessment ratio of property of utilities and residential rental property, to provide a procedure by which there would not be a loss of ad valorem tax revenue as a result of reclassifying public utility and residential rental property, and to provide for homestead and other exemptions.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Hawkins:

H. 376. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education and supervision.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 377. To require that all legislative bills whose purpose is to increase or decrease the cost of constructing, purchasing, owning, or selling a single-family residence, either directly or indirectly, to have prepared for the legislation a housing affordability impact note that would include a reliable estimate of the anticipated impact on the cost of housing.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representative Dolbare:

H. 378. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 379. To establish a minimum limit for certain construction contracts awarded by competitive bidding by state, county, and municipal governments or their departments, agencies, or instrumentalities.

COMMITTEE ON STATE ADMINISTRATION

By Representative Perdue:

H. 380. To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), Page, and McDowell:

H. 381. To amend Section 44-1-26 of the Code of Alabama 1975, relating to the Youth Services Department salary subsidies for probation services; to revise the allocation of juvenile probation officers salary subsidies; to provide further for minimum standards for certification of juvenile probate officers; and to provide an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representative McMillan:

H. 382. To amend Sections 12-17-290 and 36-27-52, Code of Alabama 1975, to authorize official court reporters not currently employed as court reporters but who meet the age and service qualifications to elect to assume supernumerary status and provide an exception to mandatory participation in the Employees Retirement System for those court reporters previously employed on a certain date, who did not elect to be covered by the Employees' Retirement System and who, after a lapse in service, were reemployed as an official court reporter.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 383. Reopening the Teachers' Retirement System for a certain time to allow certain members of the system to purchase prior service credit for a certain amount of time that they were on maternity leave from active service without pay.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan and Penry:

H. 384. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

COMMITTEE ON LOCAL GOVERNMENT

By Representative McMillan:

H. 385. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representatives Zoghby, Rockhold, McDowell, Gullatt, Hall (L), Butler, Lindsey, Burke, and Kennedy:

H. 386. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

COMMITTEE ON HEALTH

By Representative Johnson:

H. 387. To amend Section 30-3-62, Code of Alabama 1975, relating to income withholding orders for support, to provide procedures by which income withholding orders may be terminated under certain circumstances without a hearing upon filing of an affidavit by the obligor, notice to the obligee, and issuance of an order.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, Gaston, and Rockhold:

H. 388. To empower certain federal law enforcement officers to enforce the laws of this state and to arrest persons violating the laws of this state.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 389. To make an appropriation of \$300,000 from the Alabama Special Educational Trust Fund in the State Treasury to the Minority Business Recruitment

and Training/Economic Development Program at the University of Alabama at Birmingham for the 1994-95 fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representatives McClain and Rogers (J):

H. 390. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Rogers (J):

H. 391. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the purpose of defraying the expenses of championship athletic contests and to the Alabama-Mississippi All Star Championship for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Hilliard, and Spratt (With Notice and Proof):

H. 392. To provide that the governing body of any Class 1 municipality, by resolution duly adopted, may withdraw the municipality from participation in any existing civil service system and create by ordinance a civil service system for its employees; to provide that the municipality shall give notice of the withdrawal to the existing system under which its employees are covered; to provide that the withdrawal shall not take effect for a period of twelve months from the date the notice is served on the existing system; to provide that the municipality shall, within the twelve month period, create and establish by ordinance a merit system of personnel administration based on merit principles and professional methods governing the appointment, tenure, promotion, transfer, layoff, separation, discipline, and other incidents of employment; to provide that withdrawal of the municipality and that employees of such boards or agencies shall be covered under the civil service system established by the municipality; and to repeal conflicting laws or parts of laws.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 392, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morton, Rogers (J), McClain, Hilliard, and Harper:

H. 393. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the purpose of defraying the expenses of championship athletic contests and the Alabama-Mississippi All Star Championship for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Spratt, and Hilliard (With Notice and Proof):

H. 394. Relating to Jefferson County; to amend Section 12 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376) as amended, relating to creating and establishing a countywide civil service system; to promote operational efficiency and control of certain local government employment practices by the local officials.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 394, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Haynes (With Notice and Proof):

H. 395. Relating to Talladega County; amending Act No. 82-229, S. 493, 1982 Regular Session, (Acts 1982, p. 279), to increase the recording fees charged by the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 395, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Haynes (With Notice and Proof):

H. 396. Relating to Talladega County; authorizing the Talladega County Commission to expend funds from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 396, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Haynes:

H. 397. Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 398. Relating to Talladega College, granting certain persons employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hall (A), Bowling, Morrow, Rockhold, Cullins, and Gullatt:

H. 399. To provide that elected officials would be subject to recall, provide procedures for the recall, and penalties for abuse of the procedure.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson:

H. 400. To amend Section 13A-6-21, Code of Alabama 1975, relating to assault in the second degree; to provide further that an assault in the third degree by an inmate against a state employee or judge shall be classified as an assault in the second degree.

COMMITTEE ON JUDICIARY

By Representative McMillan:

H. 401. To provide further for the regulation and supervision of the business of title insurance transacted within the state; to provide further for the authority of the Commissioner of Insurance; and to specifically repeal Section 27-25-1, Code of Alabama 1975.

COMMITTEE ON INSURANCE

By Representative Starkey:

H. 402. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Johnson, Letson, Holley, Beasley, Newton (C), Carothers, Mathis, and Venable:

H. 403. Proposing an amendment to Amendment No. 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112 in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

COMMITTEE ON EDUCATION

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson:

H. 404. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying its powers and duties, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

COMMITTEE ON HEALTH

By Representative Williams (With Notice and Proof):

H. 405. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 405, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D) (With Notice and Proof):

H. 406. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 406, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Poole:

H. 407. To provide for the use of a videotaped deposition of a victim over age 70 in the criminal trial of a defendant.

COMMITTEE ON JUDICIARY

By Representative Poole:

H. 408. To further provide for the registration of convicted felons and certain convicted sex offenders in the office of the sheriff; to provide for the promulgation of a uniform system of registration and the storage of information on convicted felons and convicted sex offenders by the Alabama Criminal Justice Information Center; and to provide for the establishment of procedures by the State Board of Pardons and Parole for notification to the sheriff and district attorney of a county when a convicted felon or convicted sex offender who is required to register and who is under the supervision of the board resides in a county.

COMMITTEE ON JUDICIARY

By Representative Perdue:

H. 409. To amend Section 11-99-6, Code of Alabama 1975, as amended, to authorize the pledge of the increase in other revenue and fees, in addition to property taxes, resulting from development in a tax increment district.

COMMITTEE ON STATE ADMINISTRATION

By Representative Freeman:

H. 410. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Petelos:

H. 411. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

COMMITTEE ON JUDICIARY

By Representatives Letson, Bowling, Morrow, Hammett, Millican, Cosby, Layson, and Harvey:

H. 412. Providing protection from certain unfair trade practices for certain producers of certain agricultural products; providing for accreditation of certain associations to bargain for contract negotiations for the producers; providing for mediation of contract disputes between producers and integrators by a mediation panel as provided for in the act; authorizing the Commissioner of Agriculture and Industries to administer and enforce this act using certain investigative powers and providing for certain criminal penalties and civil remedies for violations.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Lindsey:

H. 413. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state the value of which is diminished as a result of state and local governmental regulation; to provide that the state, as well as municipalities and counties, or other agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse

condemnation actions authorized hereby and for the award of certain costs to plaintiffs; and to provide for appropriate adjustments to appraised values for ad valorem tax purposes.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Cosby:

H. 414. To require election officials to check if the voting applicant voted by absentee ballot; to require some form of identification for voting purposes; to prohibit persons from presenting false identification, voting where not qualified, or voting more than once; and to provide for criminal penalties for election officials and other persons violating this act.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Harper:

H. 415. To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Omnimax Discovery 2000 for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative McClain (With Notice and Proof):

H. 416. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 416, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McClain:

H. 417. To establish an urban educational and job-training program in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission.

COMMITTEE ON WAYS AND MEANS

By Representative McClain (With Notice and Proof):

H. 418. Relating to Jefferson County; regulating the operation of tanning facilities; requiring the safe and sanitary operation of tanning devices; and prescribing criminal and administrative penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 418, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hill and Newton (D):

H. 419. To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

COMMITTEE ON JUDICIARY

By Representatives Spratt, McClain, Barnes, Rogers (J), and Hilliard (With Notice and Proof):

H. 420. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from nine single-member districts geographically the same as the districts established for the election of members of the city council; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 420, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carns, Hawkins, Petelos, Payne, Butler, Smith (R), Cosby, Hamilton, Morton, Hill, Fuller, Hooper, Knight (A), Smith (C), McKee, Walker, Laird, Dolbare, Beasley, Johnson, Layson, Turner, Cullins, Sanderson, Curry, Biddle, Gaines, Haynes, Willis, Gaston, Kvalheim, McMillan, and Blakeney:

H. 421. To amend Section 26-21-1, et sequel, Code of Alabama, 1975, the

Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's signature to a consent form to be notarized or signed in the presence of the abortion provider or agent based on proper identification; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

COMMITTEE ON PUBLIC WELFARE

By Representatives Carns, Curry, Hawkins, Morton, Payne, Knight (A), Smith (R), Hamilton, Hill, Fuller, Hooper, Smith (C), Mikell, McKee, Walker, Laird, Dolbare, Butler, Beasley, Newton (C), Johnson, Layson, Cullins, Sanderson, Gaines, Biddle, Petelos, Haynes, Willis, Cosby, Gaston, Kvalheim, McMillan, and Blakeney:

H. 422. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

COMMITTEE ON PUBLIC WELFARE

By Representatives McDowell, Spratt, Petelos, Newton (D), Gaines, Biddle, Curry, and Hilliard:

H. 423. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McDowell and Hill:

H. 424. To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

COMMITTEE ON JUDICIARY

By Representatives Gaines, Sanderson, Fuller, Morton, Curry, Parker (T), Powell, Sanderford, Hill, Knight (A), Box, Haney, Hawkins, Beasley, Newton (C), and Hooper:

H. 425. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Gaines:

H. 426. To amend Section 6 of Act No. 93-604, S. 367 of the 1993 Regular Session, to provide for a cost of living increase to certain retirees of the Employees' Retirement System who retired from the Board of Health in any county having a certain population.

COMMITTEE ON WAYS AND MEANS

By Representative Gaines (With Notice and Proof):

H. 427. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, of the 1973 Regular Session (Acts 1973, p. 2124), as amended, relating to the City of Birmingham Retirement and Relief System; providing for a cost-of-living retirement benefit for retired employees of the Jefferson County Board of Health and their designated survivors receiving compensation from the system at the date of the passage of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 427, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (L) (With Notice and Proof):

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (L) (With Notice and Proof):

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 429, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Harper:

H. 430. To make a supplemental appropriation for the sum of fourteen thousand dollars (\$14,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

**H.J.R. 47. HONORING THE LATE THOMAS C. MAHER AND
RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.**

WHEREAS, Thomas C. (Tom) Maher of Wetumpka, Alabama, demonstrated exemplary dedication and ability as a public servant for the citizens of Alabama; and

WHEREAS, Tom began his career of public service in Alabama as the Executive Director of the Neighborhood Improvement Council for the City of Mobile, Alabama, in 1978; and

WHEREAS, from January 1984, Tom served eminently and with great dedication as a Legislative Fiscal Analyst with the Alabama Legislative Fiscal Office until his health necessitated his retirement in November 1993; and

WHEREAS, during that period, Tom, through devotion to duty and with his superior intellect, provided the Alabama Legislature and the citizens of the State of Alabama with professional service of the highest level; and

WHEREAS, Tom's work brought him into contact with officials of both the public and private sectors representing diverse fields, including law enforcement, the Judiciary, and financial, administrative and informational systems; and

WHEREAS, his contacts with individuals within these sectors grew from simple acquaintances among colleagues to warm, lasting friendships, as it was impossible to resist Tom's wit, his kind manner, and genuine sincerity; and

WHEREAS, Tom was always eager to help others by resolving work-related problems, as well as providing them with encouragement during times of personal adversity, and we hope that he knows how grateful we were for his concern, and how much he inspired us with his dignity; and

WHEREAS, Tom's family life as a faithful, loving husband and as a devoted father, was worthy of emulation by all; and

WHEREAS, Tom unselfishly gave of himself to make government work better in improving the lives of the citizens of the State, and though that service was greatly appreciated, it was largely unrecognized; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES
THEREOF CONCURRING,** That heartfelt appreciation is hereby expressed to the family of Thomas C. Maher for having shared him with those he served and, most especially, those with whom he worked and who loved him as a very special friend.

The resolution, H.J.R. 47, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (A) and Freeman:

H.J.R. 48. REQUESTING THE ALABAMA ATTORNEY GENERAL TO FILE SUIT IN THE UNITED STATES SUPREME COURT AGAINST THE UNITED STATES GOVERNMENT, SPECIFIED U.S. GOVERNMENT DEPARTMENTS AND AGENCIES, AND THE OFFICIAL REPRESENTATIVES OF CERTAIN OTHER COUNTRIES ALLEGING VIOLATIONS OF THE CIVIL RIGHTS OF PRISONERS OF WAR OR MISSING IN ACTION AND TO DEMAND THAT DOCUMENTS CONCERNING THESE INDIVIDUALS BE RELEASED, AND ALSO URGING OTHER STATES TO JOIN IN THIS ACTION.

WHEREAS, there is continuing controversy concerning the presence of American service personnel, who were listed as Prisoners of War or Missing in Action, being held against their will in North Korea, China, the former Soviet Union, and the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

WHEREAS, the United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

WHEREAS, a recent top secret Vietnamese report, dating from 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

WHEREAS, only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

WHEREAS, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

WHEREAS, the President of Russia has stated that the Soviet Union took American service personnel during the Vietnam War into Russia and that there is no adequate explanation concerning the whereabouts of these service personnel; and

WHEREAS, there are still hundreds of documents in the United States Department of Defense that have not been released to the public concerning the fate of American service personnel classified as Prisoners of War or Missing in Action; and

WHEREAS, the United States government's intelligence agencies have taken the position of trying to discredit any information concerning the existence of American Prisoners of War, instead of demanding a full accounting from World War II, Korea, Vietnam, Laos, and Kampuchea based upon information that has been received; and

WHEREAS, there are approximately 20 missing and unaccounted for service personnel from World War II, approximately 38 missing and unaccounted for service personnel from Korea, and approximately 45 missing and unaccounted for service personnel from Southeast Asia from Alabama; and

WHEREAS, the United States government has never entered into negotiations with the government of Laos concerning the release of American Prisoners of War who were taken prisoner by the communists in Laos during the Vietnam War; and

WHEREAS, the United States government has never entered into negotiations with the government of Kampuchea concerning the release of American Prisoners of War who were taken prisoner by the communists in Kampuchea during the Vietnam War; and

WHEREAS, the Paris Peace Accord is now twenty years old and any national security secrets regarding the technology that was used in the war would be outdated, especially considering that military research and arms build-up have made most of the technology and methods used in World War II, Korea, and the Vietnam War obsolete; and

WHEREAS, the only reason for secrecy at this time would be to cover up the actions of politicians, public officials, and negotiators who deliberately abandoned American Prisoners of War after the Vietnam War; and

WHEREAS, any Americans who are still being held against their will as a result of World War II, Korea, or the Vietnam War are having their inherent and inalienable right to liberty violated; a right endowed by our Creator, and guaranteed by the Declaration of Independence and the Constitution of the United States; and

WHEREAS, Americans cherish the sacred right of liberty, a right the founders of our nation pledged to fight for and to protect with their lives, their fortunes, and their sacred honor; and

WHEREAS, the executive branch of the federal government has miserably failed to even attempt to negotiate the release of Americans that may still be held in Southeast Asia, and is obstructing the discovery of any remaining service personnel; and

WHEREAS, the legislative branch of the federal government has also miserably failed to thoroughly investigate and honestly report on this tragedy, and, indeed, has even ordered the destruction of staff documents containing staff intelligence reports on this sensitive issue; and

WHEREAS, the inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

WHEREAS, the United States Supreme Court is the last bastion that an American citizen has for redress of grievances and protection of Constitutional liberty against an oppressive federal executive and a duplicitous federal legislature; and

WHEREAS, the United States Constitution, in Article III, Section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsel, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Attorney General of the State of Alabama is requested, on behalf of the people of the State of Alabama, to file in the United States Supreme Court a cause of action against the government of the United States, particularly the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of North Korea, China, the former Soviet Union, Vietnam, Laos, and Kampuchea, alleging violation of civil rights of the people of Alabama, specifically alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the State of Alabama:

ALABAMIANS UNACCOUNTED FOR IN WORLD WAR II

MISSING

THOMAS, EUGENE M. JR. 0-437900 1LT M

STUART, PAUL H. 0-778505 2LT M

JOHNSON, JAMES H. 0-725308 CAPT M

POWELL, JOHN L. 14016111 SSG M

HOWARD, ALBERT R. 34802325 SGT M

NEWMAN, BUFORD E. 34808256 PFC M

PAINTER, LESLIE W. 34334638 CPL M

BOWDOIN, EDGAR L. 34811191 CPL M

KNOX, MORTON M. 34799997 CAPT M

BARNES, THOMAS C. JR. 34586171 CPL M

COOK, JAMES A. 0-930888 2 LT M

ROBERTS, WILLIE F. 14079117 SGT 2RA

EIDERS, HERMAN W. 44016643 PFC M

WALLS, ALBERT C. 34399945 PVT M

ADAMS, MAX A. 14098594 SSG M

WARDER, JOSEPH H. JR. 35730128 CPL M

ROBERTS, HALE 34812243 CPL M

WRIGHT, JOHN R. 14023377 MSG M

HUGHES, JAMES E. 14170908 SGT M

FARISH, HENRY T. JR. 34108214 MSG M

ALABAMIANS ACCOUNTED FOR BY THE COMMUNISTS IN THE

KOREAN CONFLICT

BRANCH OF SERVICE

UNITED STATES NAVY

Watson, James H. Com. 3rd Cl. 1816 Ave. 32, Birmingham Jefferson DOI

White, Samuel Lee Lt. Com. Box 504, Sylacauga Talladega KIA

UNITED STATES AIR FORCE

Abercrombie, Aaron R. 1st Lt. 2514 N. 36th Ave. Birmingham Jefferson KIA

Grider, Jack T. Lt. Birmingham Jefferson DNB

Harbour, Earl H. Capt. 1810 N. 33rd Ave., Birmingham Jefferson KIA

Madison, Garland E. Capt. 2603 E. Broad St., Gadsden Etowah KIA

Miller, Frank E. Jr. Capt. 3644 Southmont Dr., Montgomery KIA

Nevins, Guy H. III 1st Lt. 7B Prado, Montgomery KIA

Pugh, William A. 1st Lt. 503 4th Ct., West, Birmingham Jefferson KIA

Root, Voorhees S., Jr. Staff Sgt. 802 Pratt Ave., Huntsville Madison KIA

Rushing, Harry Eugene 2nd Lt. 1243 Augusta Street, Montgomery KIA

Saize, Floyd W. Capt. 3025 Prince Ave., Birmingham Jefferson KIA

ALABAMIANS UNACCOUNTED FOR BY THE COMMUNISTS

IN THE KOREAN CONFLICT

UNITED STATES AIR FORCE

Brown, Wallace L. 1st Lt. Rt. 1, Banks Pike PD

Evans, Emmett O. 1st Lt. 104 19th St., S. E., Fort Payne DeKalb PD

Gross, Robert F. Master Sgt. General Delivery, Sawyerville Hale PD

Hoit, Zane M. Major 3558 Wareingwood Drive, Montgomery PD

Reid, Elbert J., Jr., Staff Sgt. 925 4th Ct. W., Birmingham Jefferson PD

Sutherland, John E. 1st Lt. P. O. Box 342, Lapine Montgomery PD

UNITED STATES MARINE CORPS

King, William A. PFC 2629 19th Place, S., Birmingham Jefferson PD

Morrow, Billy J. PFC Rt. 2, Goodwater Coosa PD

UNITED STATES ARMY

Agnew, Henry P. Pvt. Rt. 1, Box 138, Newbern Hale PD

Brooks, Lloyd K. Cpl. Rt. 1, Box 598, Morris Jefferson PD

Clark, O. C., Jr. PFC Rt. 2, Andalusia Covington PD

McKinney, Julius E. Sgt. Rt. 1, Birmingham Jefferson PD

Pitts, John W. Cpl 401 Pine View St., Montgomery PD

Randall, Elgin V. Sgt. 1500 East 11th St., Anniston Calhoun PD

Thomas, Mitchell C. 1st Lt. Sylacauga Talladega PD

Vickers, Wendell Cpl Rt. 1, Birmingham Jefferson PD

Webb, Jerald C. Cpl. 18 East Petain St., Prichard Mobile PD

Willis, Charles A. Cpl. 733 29th St., S. W. Birmingham Jefferson PD

Wilson, Silas W. SFC Rt. 7, Athens Limestone PD

ALABAMIANS REPORTED BY THE KOREANCOMMUNISTS TO HAVE DIED

UNITED STATES ARMY

Adams, Aubrey G. PFC 1322 Catherine St., Cullman PD

Allums, Morris Master Sgt. Sumiton Walker PD

Atherton, Harold J. Cpl. 104 E. Jeff Davis Ave., Montgomery PD

Brooks, John W., Jr. PFC Phil Campbell Franklin PD

Carter, James E. Cpl. Rt 1, Box 48A, Flomaton Escambia PD

Cook, Thomas H. Cpl., 1800 28th St., Tuscaloosa PD

Cork, Thomas R. Pvt. Rt. 3, Box 422, Bessemer Jefferson PD

Enfinger, Edgar SFC Cottonwood Houston PD

Hart, Robert H. PFC Rt. 2, Castleberry Conecuh PD

Herrington, Robert N. Cpl. Bayou La Batre Mobile PD

Jackson, Comer, Jr. PFC Rt. 1, Silver Hill Baldwin PD

Jones, Odis F. PFC Rt. 1, Cottondale Tuscaloosa PD

Kilby, Thomas E. III 1st Lt. 600 E. 11th St. Anniston Calhoun PD

McAlpine, Johnny L. Cpl. Rt. 1, Chavles PD

McCullers, Charles H. Cpl. 3759 Maclamar Road, Montgomery PD

Thompkins, Reuben Master Sgt. 2424 Dawson Ave., Birmingham Jefferson PD

Varner, Alvin L. Sgt. Rt. 4, Box 597, Sylacauga Talledega PD

Yaw, Billy G. PFC 598 First St., Attalla Etowah PD

ALABAMIANS REPORTED BY THE KOREAN COMMUNISTSTO HAVE ESCAPED

Randall, Elgin V. Sgt. 1500 E. 11th St., Anniston Calhoun PD

Tennille, James E. PFC 617 Parker Ave., Eufaula Barbour PD

Willis, Charles A. PFC 2222 21st Avenue N., Birmingham Jefferson PD

U.S. CASUALTIES IN SOUTH EAST ASIA

MARINE CORPS LISTING

VS BAILEY, JOHN HOWARD E6 67MAY01 47JUL05 DOCENA

VN CARLTON, JAMES E. 03 07APR17 39JUL10 BIRMINGHAM

LA KETCHIE, SCOTT D. 02 72APR09 47AUG19 BIRMINGHAM

VS RUNNELS, GLYN LINAL JR., E4 67JUN30 46APR11 BIRMINGHAM

AIR FORCE LISTING

LA BANNON, PAUL WEDLAKE 04 69JUL12 34OCT15 HUEYTOWN

VN BENNETT, WILLIAM GEORGE 04 67SEPT02 27SEP15 BIRMINGHAM

VN CUNNINGHAM, CAREY ALLEN 03 67AUG02 38MAR18
COLLINSVILLE

VS DEICHELMANN, SAMUEL H 03 68SEP06 38SEP24 MONTGOMERY

VN HAMILTON, EUGENE D. 03 68JAN31 34DEC18 PEPPERALL

VN HARRIS CLEVELAND SCOTT 03 68FEB29 41MAY11 BIRMINGHAM

VS HUGGINS, BOBBY GENE 04 70JUN04 34DEC17 TROY

VN JOHNSON, ALLEN L. 04 72DEC28 36MAR19 TUSCUMBIA

LA LAWRENCE, GREGORY PAUL E4 68OCT05 8MAR10 PHENIX

LA PALMER, GILBERT S. 04 68FEB27 30OCT12 BIRMINGHAM

LA PHILLIPS, ELBERT AUSTIN E6 68AUG28 38MAY04 HUNTSVILLE

LA REAID, ROLLIE K E3 72DEC21 52DEC23 DORA

VN ROCKETT, ALTON C., JR. 03 67JAN02 32JAN20 BIRMINGHAM

VS YEENO, RICHARD CAROLINUS J. 03 68JUN09 38OCT11 MOBILE

NAVY LISTING

VS BURNETT, DONALD FREDERICK E8 68FEB06 35JUL06
MONTGOMERY

VN EARNEST, CHARLES M. 05 72NOV26 34OCT08 OPELIKA

CB GAUSE, BERNARD JR. E5 76MAY16 40NOV11 BIRMINGHAM

VN HOGAN, JERRY F 02 67JAN21 40FEB28 TUSCALOOSA

VS JONES, JAMES GRADEY 02 66NOV12 39AUG14 BIRMINGHAM

VN PETTIS, THOMAS EDWIN 02 67MAY23 41OCT31 MOBILE

VN WEIMORTS, ROBERT FRANKLIN 04 66APR22 34DEC23 EIGHT MILE

ARMY LISTING

VS BOBE, RAYMOND EDWARD E3 69MAR16 48AUG30 TARRANT

VS BURHAM, DONALD DAWSON 03 68FEB02 40APR20 WEBB

VS COLEMAN, JIMMY L. E3 69MAR06 49JAN20 GOODWATER

LA CREAR, WILLIS CALVIN E4 71FEB15 50JAN08 BIRMINGHAM

VS FORD, EDWARD (NMN) E5 68DEC09 41OCT06 BIRMINGHAM

VS HARGROVE, OLIN E3 67OCT17 49JAN21 BIRMINGHAM

VS HICKS, PRENTICE W. E3 69MAR25 47OCT11 HUNTSVILLE

VS JONES, JOHNNY MACK 02 72APR24 48JUL01 AUBURN

VS KIRKSEY, ROBERT LOUIS E3 66JAN01 45DEC17 MOBILE

VS PARKER, UDON (NMN) E4 66MAR13 43NOV15 PHENIX CITY

LA ROBERTSON, JOHN HARTLEY E7 68MAY20 38OCT25 BIRMINGHAM

VS STINSON, WILLIAM SHERRIL E5 73JAN08 47JUN17 GEORGIANA

VS STOVES, MERRITT III (NMN) E3 67JAN10 48JAN10 BIRMINGHAM

VS THACKERSON, WALTER A. E3 66MAY21 44SEP06 TALLADEGA

VS THOMPSON, BENJAMIN ARTHUR E6 68OCT25 48JUL24 SARALAND

VS UPNER, EDWARD CHARLES E6 65DEC05 23NOV09 ANNISTON

CB WHITE, CHARLES E. E7 68JAN29 33MAY18 BESSEMER

VS WILLIAMS, ROBERT J. 03 72MAY11 43SEP17 DALEVILLE

VS WILLIAMS, THADDEUS EDWARD 02 66JAN09 43FEB26 MOBILE

BE IT FURTHER RESOLVED, That the Attorney General of the State of Alabama, in filing this suit, shall demand that the Department of Defense, the intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, and China turn over all documents concerning Prisoners of War and Missing in Action in Laos, Kampuchea, and Vietnam.

RESOLVED FURTHER, That the sister states of the United States of America are urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia.

RESOLVED FURTHER, That a copy of this resolution be transmitted to the Attorney General of the State of Alabama, to the United States Supreme Court, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Alabama Congressional Delegation, and to the clerks of the respective Houses and Senates of our sister states.

The resolution, H.J.R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (A):

H.R. 49. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO SUPERNUMERARIES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bills, H. 58 and H. 100 copies of which are attached to this resolution and made a part hereof by reference:

1. From their inception or creation, were the supernumeraries which would be affected by ratification of the constitutional amendments proposed by these bills, constitutional?

2. Over the years, was the compensation paid to supernumeraries constitutional expenditures of public monies?

3. If the answer to Question 1 or Question 2, or both, is in the affirmative, would the ratification of the constitutional amendments proposed by H. 58 and H. 100 make supernumerary status and the public monies expended for compensation of supernumeraries constitutional?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending bill, H. 58 and H. 100, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

The resolution, H.R. 49, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Carns and Sanderson:

H.J.R. 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, with highest commendation, notes the selection of Mountain Brook High School (MBHS) of Birmingham, Alabama, as a Blue Ribbon School for the second time in a decade, one of only 35 public high schools in the nation to have been so honored; and

WHEREAS, the prestigious award, presented by the United States Department of Education, is given to honor America's outstanding public and private schools, and for a school to receive the award a second time, it must have demonstrated significant improvement in its educational capability; and

WHEREAS, under the capable leadership of principal, Dr. Tim Norris, the school received the honor due to the initiation of new and innovative programs involving both parent and teacher input regarding the development of school policy, decisions, and management; these recommendations resulted in upgrading available curriculum with the addition of diverse extracurricular activities and numerous advanced placement courses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the students and staff of Mountain Brook High School, and direct that copies of this resolution be forwarded to principal, Dr. Tim Norris, for appropriate presentation and school display.

The resolution, H.J.R. 50, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 51. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE ON ECONOMIC LIBERTY.

WHEREAS, a prosperous economy depends upon job creation through private investment and entrepreneurship; and

WHEREAS, unnecessary legal and regulatory barriers to private investment and entrepreneurship exist, especially in overly prescriptive licensing requirements, excessive regulations, and government pre-emption of business opportunities; and

WHEREAS, private investment and entrepreneurship are discouraged by unnecessary legal and regulatory barriers, reducing the potential for economic prosperity; and

WHEREAS, there are significant geographical pockets of poverty, especially in urban areas, in which legitimate economic activity is substantially impeded; and

WHEREAS, by facilitating entrepreneurship by the poor, a means of exit from poverty would be provided for such new entrepreneurs and their employees; and

WHEREAS, increased entrepreneurship and private investment in low-income communities would increase levels of tax revenue, improving the financial condition of governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Joint Legislative Study Committee on Economic Freedom is established for the purposes of (1) identifying legal and regulatory barriers to private investment and entrepreneurship and (2) proposing legislation or such other actions as may be necessary to remove those barriers.

BE IT FURTHER RESOLVED, That in its deliberations, the Joint Legislative Committee on Economic Freedom shall give priority consideration to business sectors with lower private investment requirements and business sectors anticipated to provide the greatest opportunity for expansion of entrepreneurship and private investment in low income communities. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1995 Regular Session, and may report at any special session before, as it deems appropriate, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed seven thousand dollars (\$7,000).

The resolution, H.J.R. 51, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 52. URGING CONGRESS TO ENACT FEDERAL INCOME TAX CREDITS FOR HEALTH INSURANCE.

WHEREAS, approximately 35.7 million people do not have private or public health insurance; and

WHEREAS, the majority of the uninsured do not have health insurance because they lack an employer-sponsored plan; and

WHEREAS, a major health care concern facing most Americans is that if they change jobs, or lose jobs, they may lose health benefits; and

WHEREAS, these problems arise because full tax benefits are available only for company-sponsored health plans; and

WHEREAS, if individuals purchase their own health insurance, they must do so primarily with after-tax income; and

WHEREAS, a refundable tax credit for low-income Americans and tax credits for middle-income Americans would provide greater access to health insurance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature strongly urges the United States Congress to amend the Internal Revenue Code of 1986, as amended, to authorize federal income tax credits for individually purchased health insurance.

The resolution, H.J.R. 52, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Turnham and Harper:

H.J.R. 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. E. Wayne Shell is retiring January 31, 1994, from his position as Head of the Department of Fisheries and Allied Aquacultures at Auburn University, thus bringing to a close a distinguished career of 37 years that merits widespread public recognition; and

WHEREAS, a native of Chapman in Butler County, Alabama, Dr. Shell received his B.S. and M.S. degrees from Auburn University and, following two years of active duty with the United States Army, entered Cornell University where he was awarded a Ph.D. degree in 1959; and

WHEREAS, in that same year, Dr. Shell was appointed Assistant Professor at Auburn University, Associate Professor in 1965, Professor in 1970, and was named to his retirement capacity in 1973, in which capacity he has administered the International Center of Aquaculture, the foremost freshwater fisheries research center in the world; and

WHEREAS, Dr. Shell, also in this position, has directed the department's fish, aquaculture, and water resource management research program; the departmental undergraduate and graduate teaching programs; managed a departmental budget of more than \$4 million; and, in addition to these responsibilities, has authored several publications, lectured extensively, spoken before various professional groups, participated in aquaculture work in countries around the globe; and has initiated research programs that have led to innumerable advancements in his areas of endeavor; and

WHEREAS, Dr. Shell and his significant contributions of far-reaching impact, have been recognized through the bestowal of many prestigious honors at the state, regional and national levels, and, through unparalleled accomplishment, he has brought great distinction upon himself, Auburn University, and the State of Alabama; and

WHEREAS, Dr. E. Wayne Shell is indeed an individual who is greatly admired and held in highest regard by his peers, and his loyal and dedicated service to Auburn University has been exemplary in every respect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby most highly commend Dr. E. Wayne Shell, to whom a copy of this resolution shall be presented, with sincere best wishes for every future happiness and success in life.

The resolution, H.J.R. 53, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (J):

H.J.R. 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE OCCASION OF HER RETIREMENT.

WHEREAS, the Alabama Legislature, in consensus of commendation, recognizes Mrs. Dorothy Posey Jones following a long and distinguished career in public education; and

WHEREAS, Mrs. Jones, a graduate of Booker T. Washington High School, attended Alabama State University where she pursued a double major in history and elementary education with a minor in music; and

WHEREAS, she taught grades K-12 in the Montgomery Public School System for some 34 years, the last 17 years of which she served as a Music Specialist at the Loveless Elementary School; and

WHEREAS, Mrs. Jones, an accomplished musician who received her early musical training at the Madeline Abercrombie Albert Piano Studio, and under the instruction of Mr. Abraham Bibb, Mrs. Mildred Greenwood Hall, Dr. Julius Carroll and the renowned Dr. Frederick D. Hall, is retiring following 48 consecutive years of faithful and devoted service to the Music Department at First Baptist Church, first as accompanist for the Youth Choir, and in her retirement position as Director of Music and Church Organist; and

WHEREAS, Mrs. Jones further serves as a member of the Board of Trustees at First Baptist; as pianist and music committee chairperson for the Beta Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc.; and as a member of the Delta Omicron National Music Fraternity for Women; and

WHEREAS, throughout her long and dedicated career, Mrs. Jones has motivated and inspired her students and choir members with love, encouragement, and an endless enthusiasm for learning, and has received numerous accolades for their outstanding accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement in the field of education, we hereby most highly commend Mrs. Dorothy Posey Jones, for whom a copy of this resolution of sincere regard and best wishes for the future shall be provided.

The resolution, H.J.R. 54, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 55, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Cagle, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Spratt, Turnham, Venable, Walker, Warren, White and Williams.

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And the bill:

H. 55. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 2.

Yea:

Representatives Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hammett, Hogan, Holladay, Holmes, Kennedy, Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis,

McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, White and Williams.

-57

Nay:

Mr. Speaker and Hawkins.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 57, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Hawkins, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Layson, Letson, McClain, McKee, McMillan, Melton, Millican, Morton, Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, White, Williams and Zoghby.

-55

And the bill:

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Fuller, Gaston, Goodwin, Gullatt, Hammett, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Layson, Letson, Mathis, McClain, McMillan, Mikell, Millican, Payne, Penry, Poole, Powell, Richardson, Rockhold, Smith (C), Smith (R), Turnham, Venable, White, Williams and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gullatt, the Budget Isolation Resolution relating to the bill, H. 95, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Cagle, Carothers, Carter, Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Hogan, Holladay, Kennedy, Kvalheim, Mathis, McKee, Morton, Newton (C), Page, Powell, Richardson, Rockhold, Smith (R), Turnham, Venable, Walker, Warren, Williams and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Carothers, Carter, Collins, Cullins, Curry, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Hill, Kennedy, Knight (A), Kvalheim, Mathis, McMillan, Melton, Mikell, Morrow, Morton, Page, Parker (P), Penry, Powell, Richardson, Rockhold, Smith (C), Smith (R), Turnham, Venable and Warren.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gullatt, the Budget Isolation Resolution relating to the bill, H. 96, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Flowers, Freeman, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Hill, Hogan, Holladay, Kennedy, Knight (A), Kvalheim, Layson, Mathis, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Poole, Richardson, Rockhold, Smith (C), Smith (R), Turnham, Venable, Warren, Williams and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Cagle, Carns, Carter, Collins, Crow, Curry, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Hill, Holladay, Kennedy, Kvalheim, McMillan, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Smith (C), Smith (R), Turnham, Venable, Warren, White, Williams and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 107, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cullins, Curry, Dolbare,

Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Harvey, Hawkins, Hill, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Mathis, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Poole, Powell, Rockhold, Smith (C), Turnham, Venable, Walker, Warren, Williams and Zoghby.

-58

And the bill:

H. 107. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Bryant, Burke, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Mathis, McMillan, Melton, Millican, Morton, Page, Parker (P), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Venable, Warren and Williams.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 108, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (L), Bowling, Bryant, Burke, Buskey, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Hawkins, Hill, Holladay, Holley, Holmes, Kennedy,

Knight (A), Knight (J), Kvalheim, McKee, McMillan, Melton, Millican, Morton, Page, Parker (P), Parker (T), Penry, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, White and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 108. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Bryant, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hammett, Hawkins, Hill, Holladay, Holley, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, McKee, Millican, Morton, Parker (P), Parker (T), Payne, Richardson, Rockhold, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 112, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Bryant, Burke, Buskey, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Mathis, McKee, Melton, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Rockhold, Smith (C), Starkey, Turnham, Venable, Warren, White and Williams.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Bryant, Burke, Buskey, Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Rockhold, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Warren, White, Williams and Zoghby.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 129, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Harper, Harvey, Hawkins, Hill, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Mathis, McKee, McMillan, Melton, Millican, Morton, Page, Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Starkey, Venable, Warren, White, Williams and Zoghby.

-55

And the bill:

H. 129. Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Bryant, Burke, Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Gullatt, Hammett, Harper, Hill, Hogan, Holley, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, McKee, McMillan, Mikell, Millican, Newton (C), Page, Parker (P), Parker (T), Penry, Powell, Richardson, Rockhold, Smith (R), Venable, Warren, White, Williams and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 238, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Box, Bryant, Burke, Buskey, Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gullatt, Hammett, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holley, Holmes, Kennedy, Knight (A), Knight (J), Mathis, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Powell, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Warren and Zoghby.

-55

And the bill:

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carter, Clark (W), Collins, Crow, Cullins, Curry, Drake, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Lindsey, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, White, Williams and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Representatives Ford, Smith (R) and Page:

H.J.R. 55. HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

WHEREAS, in 1925, a hand full of dedicated women known as the Missionary Servants of the Most Blessed Trinity, a Catholic religious order, came to Gadsden to begin a ministry of care, and to staff a small 25-bed hospital which had been purchased by Mother Boniface, the Mother Superior of the community, and which was renamed Holy Name of Jesus; and

WHEREAS, from these humble beginnings would emerge one of the most advanced medical centers in Northeast Alabama, which enjoys a reputation of excellence, and provides the best in state-of-the-art health care services; and

WHEREAS, this evolution, however, did not come without sacrifice; but the Sisters of Holy Name of Jesus from their early struggle for acceptance through the problems and obstacles encountered through the years, faced each new challenge with faith, courage, and renewed commitment, while time and again placing the needs of the sick and suffering before their own; and

WHEREAS, by 1977, the hospital had grown to a 200-bed facility and, as a result of a 12-year expansion program begun that same year, the small hospital by 1980 had reached an even higher plateau to become known as Holy Name of Jesus Medical Center, and was later renamed Riverview Medical Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the welfare and well-being of the Gadsden/Etowah County community, and for the tradition and legacy of caring they established, and which continues today, we hereby pay tribute to the Missionary Servants of the Most Blessed Trinity, whose vision and faith became the reality of Riverview Medical Center in Gadsden, Alabama.

The resolution, H.J.R. 55, was read and referred to the Standing Committee on Rules.

MOTION TO RECOMMIT LOST

The motion offered by Representative Hall (A) to recommit the bill, H. 58, from the Calendar to the Standing Committee on Ways and Means, was lost.

Yeas 14; Nays 41.

Yea:

Representatives Crow, Gaston, Hall (L), Harper, Hawkins, Holmes, Kennedy, Kvalheim, Letson, Morrow, Page, Rockhold, Sanderford and Smith (R).

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Nay:

Mr. Speaker, Beasley, Black (M), Bowling, Burke, Butler, Campbell, Carter, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Holladay, Hooper, Johnson, Knight (J), Laird, Layson, McKee, McMillan, Mikell, Morton, Parker (P), Penry, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Warren, White, Williams and Zoghby.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 172. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1994-95 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	10,651,667
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SOURCE OF FUNDS:

(1) State General Fund.....	9,951,667		
(2) Transfer from Revenue Department		200,000	
(3) Federal Funds.....		500,000	
Total Department of Examiners of Public Accounts.....	9,951,667	700,000	10,651,667

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	337,603
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SOURCE OF FUNDS:

(1) State General Fund.....	337,603	
Total Alabama Law Institute.....	337,603	337,603

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	288,347
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SOURCE OF FUNDS:

(1) State General Fund.....	288,347	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.		
Total Legislative Council.....	288,347	288,347

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....	1,202,101
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SOURCE OF FUNDS:

(1) State General Fund.....	1,202,101	
Total Legislative Fiscal Office.....	1,202,101	1,202,101

5. LEGISLATIVE REFERENCE
SERVICE:

(a) Legislative Operations and Support Program.....	1,797,049
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,797,049</u>	
Total Legislative Reference Service.....	<u>1,797,049</u>	<u>1,797,049</u>

6. LEGISLATURE:

(a) Legislative Operations and Support Program.....	13,019,279
--------------------------------------------------------	------------

It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House, (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

(b) Capital Outlay Program.....	1,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>14,519,279</u>	
Total Legislature.....	<u>14,519,279</u>	<u>14,519,279</u>

2B. JUDICIAL:**1. COURT OF CIVIL APPEALS:**

(a) Court Operations Program.....	1,952,716
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SOURCE OF FUNDS:

(1) State General Fund.....	1,952,716	
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Total Court of Civil Appeals.....	1,952,716	1,952,716
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The above appropriation to the Court of Civil Appeals includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program.....	2,237,544
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SOURCE OF FUNDS:

(1) State General Fund.....	2,237,544	
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Total Court of Criminal Appeals.....	2,237,544	2,237,544
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3. JUDICIAL BUILDING AUTHORITY, ALABAMA:

(a) Administrative Support Services Program.....	4,147,431
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SOURCE OF FUNDS:

(1) Judicial Building Authority Fund, Estimated.....	4,147,431	
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In accordance with Sections 41-10-260 through 41-10-284, Code of Alabama 1975.

Total Alabama Judicial Building Authority.....	4,147,431	4,147,431
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4. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program....	113,255
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SOURCE OF FUNDS:

(1) State General Fund.....	113,255	
Total Judicial Inquiry Commission.....	113,255	113,255

5. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....		1,625,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,625,000	
Total Judicial Retirement Fund.....	1,625,000	1,625,000

6. SUPREME COURT:

(a) Court Operations Program.....		4,606,547
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SOURCE OF FUNDS:

(1) State General Fund.....	4,606,547	
Total Supreme Court.....	4,606,547	4,606,547

7. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service Program.....		937,683
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SOURCE OF FUNDS:

(1) State General Fund.....	892,683	
(2) Departmental Receipts.....		45,000
Total Supreme Court Library.....	892,683	45,000 937,683

8. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program.....		71,662,138
(b) Administrative Services Program....		3,394,267
(c) DUI Referral Program.....		62,922

(d) Fringe Benefit Program, Estimated	545,000
(e) Court Equipment and Court Security Program.....	957,055
(f) Judicial Building Operations Program.....	4,147,431

SOURCE OF FUNDS:

(1) State General Fund..... 77,973,315

(2) State General Fund-Social Security-County Judicial, Estimated 545,000

(3) State General Fund Transfer-Juvenile Justice Coordinating Council..... 17,105

In accordance with Section 12-15-131, Code of Alabama 1975.

(4) Court Referral Officer Fund..... 1,597,410

In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.

(5) Juvenile Justice Fund-Balance Brought Forward..... 35,983

(6) Court Automation Fund..... 600,000

In accordance with Section 12-19-180, Code of Alabama 1975.

Total Unified Judicial System.....	78,535,420	2,233,393	80,768,813
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The above appropriation to the Unified Judicial System includes funding for Act 93-882 and new supernumerary positions.

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program.....	2,200
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SOURCE OF FUNDS:

(1) State General Fund..... 2,200

As provided in Section 41-11-6, Code
of Alabama 1975, and an additional
amount.

Total Alabama Academy of Honor.....	2,200	2,200
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational
Licensing and Regulation
Program..... 639,712

SOURCE OF FUNDS:

(1) Alabama State Board of Public
Accountancy Fund..... 639,712

As provided in Section 34-1-22, Code
of Alabama 1975. In addition to the
amounts appropriated hereinabove
to the State Board of Public
Accountancy, there is hereby
appropriated such an amount as
may be necessary to pay the refund
of any application for license which
may have been rejected by the
Board or withdrawn by request of
applicant.

Total Alabama State Board of Public Accountancy.....	639,712	639,712
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program..... 517,960

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 506,160

For expenditures as provided in
Sections 31-3-2 and 36-30-2, Code
of Alabama 1975.

(2) State General Fund-Administrative Costs.....	11,800		
As provided by Section 41-9-73, Code of Alabama 1975.			
Total Board of Adjustment.....	517,960		517,960

4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program.....			408,244
(b) Airport Improvement Program.....			566,756
To be used only as grants for federal match to airports qualifying under the FAA National Plan of Integrated Airport Systems.			
(c) Civil Air Patrol Program.....			46,500

SOURCE OF FUNDS:

(1) State General Fund - Civil Air Patrol.....	46,500		
(2) Airport Development Fund-Aviation Fuel Tax.....		950,000	
As provided by Section 4-2-42, Code of Alabama 1975.			
(3) Airport Development Fund-Federal Funds.....		25,000	
Total Department of Aeronautics.....	46,500	975,000	1,021,500

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program.....			17,952,565
(b) Economic Assistance Program.....			12,712,308

SOURCE OF FUNDS:

**REGULAR SESSION
3rd Day**

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(1) State General Fund.....	1,529,386		
(2) State General Fund-Medicaid Waiver.....	2,603,812		
(3) Federal and Local Funds.....		26,531,675	
Total Commission on Aging.....	4,133,198	26,531,675	30,664,873

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program - Home and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

**6. AGRICULTURAL AND CONSER-
VATION DEVELOPMENT
COMMISSION:**

(a) Water Resource Development Program.....	1,849,499
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,774,499	
(2) Alabama Agricultural and Conser- vation Development Commission Revolving Fund.....		75,000

As provided in Section 9-8A-4.1, Code
of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	<u>1,774,499</u>	<u>75,000</u>	<u>1,849,499</u>
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**7. AGRICULTURAL AND
INDUSTRIAL EXHIBIT
COMMISSION, ALABAMA:**

(a) Agricultural Development Services Program.....			41,235
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>41,235</u>		
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Total Alabama Agricultural and Industrial Exhibit Commission.....	<u>41,235</u>		<u>41,235</u>
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**8. AGRICULTURAL CENTER
BOARD:**

(a) Agricultural Development Services Program.....			1,068,444
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(b) Alabama Equine Study Program.....			10,000
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SOURCE OF FUNDS:

(1) State General Fund.....	147,016		
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For expense and awarding of prizes
for fairs as provided in Section
2-7-21, Code of Alabama 1975 and
other livestock shows and exhibits
and other activities.

(2) State General Fund-Operations.....	343,379		
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(3) State General Fund-Livestock Coliseum.....	193,049		
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(4) State General Fund-Alabama Equine Study Program.....	10,000		
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(5) Livestock Coliseum Fund.....		<u>385,000</u>	
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Total Agricultural Center Board.....	<u>693,444</u>	<u>385,000</u>	<u>1,078,444</u>
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9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:

(a) Administrative Services Program....	2,229,855
(b) Agricultural Inspection Services Program.....	11,430,290
Of the above appropriation, \$75,000 shall be transferred to the Alabama Aquaculture Center in Gadsden, Alabama and \$783,256 shall be earmarked for the plant protection division.	
(c) Laboratory Analysis and Disease Control Program.....	4,419,634
(d) Agricultural Development Services Program.....	1,538,384
(e) Boll Weevil Eradication Program.....	2,600,000

SOURCE OF FUNDS:

(1) State General Fund.....	10,091,595		
(2) Federal and Local Funds.....		2,544,794	
(3) Shipping Point Inspection Fund.....		4,681,774	
Pursuant to Section 2-9-20 et seq., Code of Alabama 1975.			
(4) Agricultural Fund.....		4,900,000	
Total Department of Agriculture and Industries.....	10,091,595	12,126,568	22,218,163

In addition to the above appropriation
to the Department of Agriculture
and Industries, there is hereby
appropriated \$200,000 for the
control of hog cholera and swine
diseases to be conditioned on the
availability of funds in the State
General Fund, the recommendation
of the State Finance Director and
the approval of the Governor.

**10. AGRICULTURAL MUSEUM
BOARD, ALABAMA:**

(a) Agricultural Promotional Program... 100,000

SOURCE OF FUNDS:

(1) State General Fund..... 100,000

Total Agricultural Museum Board..... 100,000 100,000

11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program..... 29,595

SOURCE OF FUNDS:

(1) State General Fund..... 29,595

Total Alabama Trust Fund Board..... 29,595 29,595

**12. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:**

(a) Product Management Program..... 30,046,221

(b) Enforcement Program..... 9,962,307

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1994-95 shall not be reduced below the level of services provided in this program in fiscal year 1993-94.

(c) Administrative Services Program.... 4,324,492

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$7,028,368. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund..... 44,333,020

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	44,333,020	44,333,020
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13. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....		252,500
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	252,500	
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects.....	252,500	252,500
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14. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....		2,951,181
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SOURCE OF FUNDS:

(1) State General Fund.....	2,701,216	
(2) Federal and Local Funds.....	199,965	
(3) Archives Historical Collections Fund.....	10,000	

In accordance with Section 41-6-71, Code of Alabama 1975.

(4) Archives Services Fund.....	40,000	
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In accordance with Section 41-6-76, Code of Alabama 1975.

Total Department of Archives and History.....	2,701,216	249,965	2,951,181
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15. ATTORNEY GENERAL, OFFICE
OF THE:

(a) Legal Advice and Legal Services Program.....	11,312,322
(b) Fair Marketing Practices Program...	1,309,806

SOURCE OF FUNDS:

(1) State General Fund.....	5,983,935
(2) State General Fund - Consumer Protection.....	509,806
(3) Federal Funds.....	1,299,989
(4) Miscellaneous Receipts.....	4,628,398
(5) Attorney General's Litigation Support Fund.....	200,000

In accordance with Section 36-15-4.2,
Code of Alabama 1975.

Total Office of the Attorney General....	6,493,741	6,128,387	12,622,128
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16. AUCTIONEERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	121,686
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	121,686	
Total Alabama State Board of Auctioneers.....	121,686	121,686

17. AUDITOR, STATE:

(a) Fiscal Management Program.....	685,830
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SOURCE OF FUNDS:

(1) State General Fund.....	685,830	
Total State Auditor.....	685,830	685,830

**18. BANKING DEPARTMENT,
STATE:**

(a) Charter, License and Regulate Financial Institutions Program.....	4,070,465
(b) Capital Outlay Program.....	35,000

SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,413,140	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund.....	692,325	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department.....	<u>4,105,465</u>	<u>4,105,465</u>

**19. BAR ASSOCIATION, ALABAMA
STATE:**

(a) Professional and Occupational Licensing and Regulation Program	2,472,152
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SOURCE OF FUNDS:

(1) State Bar Association Fund.....	2,175,494	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.		
(2) Federal and Local Funds.....	296,658	
As provided in Sections 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.		
Total Alabama State Bar Association...	<u>2,472,152</u>	<u>2,472,152</u>

**20. BEAR CREEK DEVELOPMENT
AUTHORITY:**

(a) Water Resource Development Program.....	44,975
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SOURCE OF FUNDS:

(1) State General Fund.....	44,975		
Total Bear Creek Development Authority.....	44,975		44,975

21. BUILDING COMMISSION, STATE:

(a) Special Services Program.....			1,394,514
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SOURCE OF FUNDS:

(1) State General Fund.....	779,514		
(2) Miscellaneous Funds.....		615,000	
Total State Building Commission.....	779,514	615,000	1,394,514

22. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....			8,000,825
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,065,506		
(2) Departmental Receipts, Estimated.....		6,935,319	
Total Alabama Building Renovation Finance Authority.....	1,065,506	6,935,319	8,000,825

23. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Management Program.....			19,036
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SOURCE OF FUNDS:

(1) State General Fund.....	19,036		
Total Cahawba Advisory Committee....	19,036		19,036

**24. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:**

(a) Social Services Program.....	929,304
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	423,304		
(2) Children's Trust Fund, Estimated....		506,000	
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Total Child Abuse and Neglect Prevention Board.....	423,304	506,000	929,304
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**25. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	152,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiroprac- tic Examiner's Fund.....	152,000		
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As provided in Section 34-24-143, Code of Alabama 1975.			
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Total Alabama State Board of Chiro- practic Examiners.....		152,000	152,000
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**26. CHOCCOLOCCO CREEK WA-
TERSHED CONSERVANCY
DISTRICT:**

(a) Water Resource Development Program.....	23,250
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SOURCE OF FUNDS:

(1) State General Fund.....	23,250		
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Total Choccolocco Creek Watershed Conservancy District.....	23,250		23,250
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**27. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:**

(a) Water Resource Development Program.....	147,144
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>147,144</u>
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	<u>147,144</u>	<u>147,144</u>
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**28. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:**

(a) Water Resource Development Program.....	100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>100,000</u>
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	<u>100,000</u>	<u>100,000</u>
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The above appropriation is for an Early
Warning Flood Control System and
is conditioned upon receiving
federal matching funds for said
purpose.

**29. CONSERVATION AND NATURAL
RESOURCES, DEPARTMENT OF:**

(a) State Land Management Program. .	1,821,935
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(b) Outdoor Recreation Sites and Services Program.....	29,775,772
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(c) Marine Police Program.....	5,042,132
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(d) Wildlife Game and Fish Program....	18,769,581
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(e) Marine Resources Program.....	2,650,679
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(f) Administrative Services Program.....	4,192,944
(g) Capital Outlay Program.....	1,158,000

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Parks	587,047
(2) State General Fund-Transfer-Game and Fish Fund.....	146,931

To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).

(3) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	13,764,650
(4) Game and Fish Fund-Federal and Local Funds.....	5,878,000
(5) State Lands Fund.....	1,821,935

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(6) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts.....	1,800,679
(7) Marine Resources Fund-Federal and Local Funds.....	900,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(8) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	4,330,132
(9) Marine Police Fund-Federal and Local Funds.....	800,000
(10) State Parks Fund.....	929,934
(11) Parks Revolving Fund, Estimated	24,258,791
(12) State Parks Fund-Cigarette Tax....	4,000,000
(13) Administrative Funds.....	4,192,944

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	733,978	62,677,065	63,411,043
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**30. CONTRACTORS, STATE
LICENSING BOARD FOR
GENERAL:**

(a) Professional and Occupational Licensing and Regulation Program	654,011
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	654,011
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	654,011	654,011
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31. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program.....	9,802,145
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(b) Institutional Services Corrections Program.....	129,325,257
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(c) Correctional Agricultural and Industries Program.....	17,045,933
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program.

(d) Capital Outlay Program.....	675,000
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SOURCE OF FUNDS:

(1) State General Fund.....	131,668,334
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(2) Department of Corrections Industrial Revolving Fund.....	17,148,933
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The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to

generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund.....	214,684
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In accordance with Sections 13A-12-283, Code of Alabama 1975.

(4) Federal Funds.....	816,384
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(5) Departmental Receipts.....	7,000,000
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Total Department of Corrections	131,668,334	25,180,001	156,848,335
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32. COSMETOLOGY, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	640,900
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	640,900
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	640,900	640,900
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33. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	187,450
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	187,450
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As provided in Section 34-8A-6, Code
of Alabama 1975.

Total Alabama Board of Examiners in Counseling.....	187,450	187,450
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34. CREDIT UNION ADMINIS- TRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program.....		643,359
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administra- tion Fund.....	643,359	
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As provided in Section 5-17-7, Code of
Alabama 1975.

Total Alabama Credit Union Administration.....	643,359	643,359
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35. CRIME VICTIMS COMPENSA- TION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated.....		1,128,100
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compen- sation Commission Fund, Estimated.....	1,128,100	
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To be expended in accordance with
Sections 15-23-1 through 15-23-23,
Code of Alabama 1975.

Total Alabama Crime Victims Compen- sation Commission.....	1,128,100	1,128,100
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36. CRIMINAL JUSTICE INFORMA- TION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program.....		4,391,540
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SOURCE OF FUNDS:

(1) State General Fund.....	2,585,865		
(2) Miscellaneous Receipts.....		8,000	
(3) Federal and Local Funds.....		1,797,675	
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Total Alabama Criminal Justice Information Center.....	2,585,865	1,805,675	4,391,540

37. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....			250,551
(b) Administrative Services Program....			273,420
(c) Industrial Development Program-Alabama Development Office.....			4,226,943

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	4,126,943		
(2) State General Fund-Office of Minority Business.....	171,046		
(3) State General Fund-Small Business Office of Advocacy.....	102,374		
(4) State General Fund-Alabama Film Commission.....	250,551		
(5) Departmental Receipts.....		100,000	
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Total Alabama Development Office.....	4,650,914	100,000	4,750,914

38. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program			60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....	60,000	
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....	60,000	60,000

39. DISTRICT ATTORNEYS:

(a) Court Operations Program..... 14,328,902

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys.....3,390,692

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit.....128,097

Salaries and expenses of Supernumerary District Attorneys.....1,315,025

For use in the District Attorney's Office of the following Judicial Circuits:

1st Judicial Circuit.....123,745

2nd Judicial Circuit.....143,392

3rd Judicial Circuit.....229,383

4th Judicial Circuit.....407,612

5th Judicial Circuit.....378,493

6th Judicial Circuit.....371,207

7th Judicial Circuit.....236,116

8th Judicial Circuit.....162,643

9th Judicial Circuit.....198,968

10th Judicial Circuit.....	548,880
11th Judicial Circuit.....	117,155
12th Judicial Circuit.....	305,767
13th Judicial Circuit.....	455,236
14th Judicial Circuit.....	157,500
15th Judicial Circuit.....	474,400
16th Judicial Circuit.....	230,132
17th Judicial Circuit.....	149,107
18th Judicial Circuit.....	284,202
19th Judicial Circuit.....	191,896
20th Judicial Circuit.....	277,726
21st Judicial Circuit.....	182,186
22nd Judicial Circuit.....	205,466
23rd Judicial Circuit.....	407,917
24th Judicial Circuit.....	156,832
25th Judicial Circuit.....	156,119
26th Judicial Circuit.....	262,021
27th Judicial Circuit.....	177,165
28th Judicial Circuit.....	232,787
29th Judicial Circuit.....	281,665
30th Judicial Circuit.....	221,895
31st Judicial Circuit.....	130,209
32nd Judicial Circuit.....	198,248
33rd Judicial Circuit.....	143,664

34th Judicial Circuit.....	122,037
35th Judicial Circuit.....	160,687
36th Judicial Circuit.....	115,113
37th Judicial Circuit.....	212,234
38th Judicial Circuit.....	193,017
39th Judicial Circuit.....	145,890
40th Judicial Circuit.....	119,315
Travel Expenses of District Attorneys.....	60,176
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975.....	166,885

SOURCE OF FUNDS:

(1) State General Fund.....	14,328,902	
Total District Attorneys.....	14,328,902	14,328,902

40. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Program.....	7,242,148
(b) Planning Program.....	50,797,636

Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions.

(c) Special Services Program.....	23,647,205
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Of the above appropriation, \$72,019 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties; and at least \$783,209 shall be distributed to community action administering agencies based on

their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.

(d) Skills Enhancement and Employment Opportunities Program.....	59,381,450
(e) Energy Management Program.....	4,341,700
(f) Police Services Program.....	4,558,424
(g) Law Enforcement Planning and Development Program.....	12,660,925
(h) Surplus Property Program.....	3,468,763
(i) Water Resources Program.....	1,261,700

SOURCE OF FUNDS:

(1) State General Fund.....	9,366,247		
(2) Federal and Local Funds.....		147,857,309	
(3) Administrative Transfers and Other Departmental Receipts.....		6,738,657	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		2,704,331	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		693,407	

Total Alabama Department of Economic and Community Affairs.....	9,366,247	157,993,704	167,359,951
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41. EDUCATION, DEPARTMENT OF:

(a) Rehabilitation Services Program.....	4,436,839
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SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,739,417
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(2) State General Fund-Eye Injury Register.....	41,234		
(3) Federal and Local Funds.....		2,656,188	
Total Department of Education.....	1,780,651	2,656,188	4,436,839

42. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			96,000
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SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....		96,000	
As provided in Section 34-36-17, Code of Alabama 1975.			
Total Board of Electrical Contractors....		96,000	96,000

43. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program.....			3,517
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SOURCE OF FUNDS:

(1) State General Fund.....	3,517		
Total Elk River Development Agency...	3,517		3,517

44. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program			10,489,880
(b) Transfer to County Emergency Management Agencies.....			325,500

The above appropriation of \$325,500 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,144,081		
(2) Federal and Local Funds.....		9,671,299	
Total Emergency Management Agency.....	1,144,081	9,671,299	10,815,380

45. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511		
Total Southern States Energy Board....	21,511		21,511

46. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program			669,429
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SOURCE OF FUNDS:

(1) Professional Engineers Fund.....		669,429	
As provided in Section 34-11-36, Code of Alabama 1975.			
Total State Board of Registration for Professional Engineers and Land Surveyors.....		669,429	669,429

47. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program.....			51,467,252
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Of the above appropriation the sum of \$20,000 shall be used to monitor water quality of Portersville Bay. The department may not assess charges of any type to NPDES permit holders to offset the cost of monitoring.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	4,529,054
(2) State General Fund-Transfer to Water Pollution Control Authority.....	940,751
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	42,761
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.	
(4) Environmental Management Fines and Fees.....	12,961,060
As provided in Section 22-22A-11 Code of Alabama 1975.	
(5) Federal Funds.....	14,602,235
(6) Federal Match-Water Pollution Control Authority.....	11,000,000
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund.....	705,000
As provided in Section 22-35-9, Code of Alabama 1975.	
(8) Underground and Aboveground Storage Tank Trust Fund.....	4,705,000
As provided in Section 22-35-5, Code of Alabama 1975.	
(9) Environmental Education Fund.....	750,000

In accordance with Section
32-6-156.1, Code of Alabama 1975.

(10) Hazardous Substance Cleanup Fund.....	250,000
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In accordance with Sections 22-30A-3
through 22-30A-11, Code of
Alabama 1975.

(11) SRF Administrative Fees.....	981,391
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In accordance with Section 22-34-3,
Code of Alabama 1975.

Total Department of Environmental Management.....	<u>5,512,566</u>	<u>45,954,686</u>	<u>51,467,252</u>
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**48. ETHICS COMMISSION,
ALABAMA:**

(a) Regulation of Public Officials and Employees Program.....	369,070
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>369,070</u>
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Total Alabama Ethics Commission.....	<u>369,070</u>	<u>369,070</u>
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**49. FARMERS' MARKET
AUTHORITY:**

(a) Agricultural Development Services Program.....	174,474
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(b) Capital Outlay Program.....	443,845
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SOURCE OF FUNDS:

(1) State General Fund.....	130,039
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(2) State General Fund-Capital Outlay	443,845
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(3) Farmers' Market Authority Fund.....	<u>44,435</u>
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Total Farmers' Market Authority.....	<u>573,884</u>	<u>44,435</u>	<u>618,319</u>
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50. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....	5,239,459
(b) Administrative Support Services Program.....	4,215,000

SOURCE OF FUNDS:

(1) State General Fund.....	9,235,459		
(2) Miscellaneous Funds.....		219,000	
Total Department of Finance.....	9,235,459	219,000	9,454,459

51. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....	8,051,229
-----------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....	8,051,229		
Total Department of Finance - Capitol Complex Maintenance and Repair...		8,051,229	8,051,229

52. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING
FUND:

(a) Administrative Support Services Program.....	22,040,203
-----------------------------------------------------	------------

SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	22,040,203		
Total Department of Finance - Data Center Revolving Fund		22,040,203	22,040,203

53. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:

(a) Administrative Support Services Program.....	7,274,648
-----------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund.....	7,274,648	
Total Department of Finance - Mail and Supply.....	7,274,648	7,274,648

54. FINANCE, DEPARTMENT OF -
MOTOR POOL:

(a) Administrative Support Services Program.....	1,816,031
--------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	1,816,031	
Total Department of Finance - Motor Pool.....	1,816,031	1,816,031

55. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....	6,148,869
--------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	6,148,869	
Total Department of Finance - Printing and Publications.....	6,148,869	6,148,869

56. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....	2,122,120
--------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State Insurance Fund-Administration.....	1,245,848
----------------------------------------------	-----------

As provided in Sections 41-15-1, et seq., Code of Alabama 1975.

(2) General Liability Trust Fund-Administration.....	876,272
---------------------------------------------------------	---------

As provided in Sections 36-1-6.1, et
seq., Code of Alabama 1975.

Total Department of Finance-Risk Management.....	2,122,120	2,122,120
-----------------------------------------------------	-----------	-----------

57. FINANCE, DEPARTMENT OF - TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	16,052,784
-----------------------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,494,350
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(2) Telephone Revolving Fund, Estimated.....	14,558,438
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Total Department of Finance - Telephone Revolving Fund.....	1,494,350	14,558,438	16,052,784
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58. FOREIGN TRADE RELATIONS COMMISSION:

(a) Special Services Program.....	108,126
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SOURCE OF FUNDS:

(1) State General Fund.....	108,126
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Total Foreign Trade Relations Commission.....	108,126	108,126
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59. FORENSIC SCIENCES, DEPART- MENT OF:

(a) Forensic Science Services Program.....	7,213,344
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SOURCE OF FUNDS:

(1) State General Fund.....	6,667,552
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(2) Federal and Local Funds.....	545,796
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Total Department of Forensic Sciences	6,667,552	545,796	7,213,344
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**60. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION FOR:**

(a) Professional and Occupational Licensing and Regulation Program.....	45,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	45,000
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As provided in Section 34-12-36, Code
of Alabama 1975.

Total Alabama State Board of Regis- tration for Foresters.....	45,000	45,000
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**61. FORESTRY COMMISSION,
ALABAMA:**

(a) Forest Resources Protection and Development Program.....	23,504,353
-----------------------------------------------------------------	------------

(b) Capital Outlay Program.....	519,500
---------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	11,441,975
--------------------------------------	------------

(2) Federal and Local Funds.....	4,783,981
----------------------------------	-----------

(3) Forestry Commission Fund.....	7,797,897
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Total Alabama Forestry Commission....	11,441,975	12,581,878	24,023,853
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Of the above appropriation to the
Alabama Forestry Commission,
\$2,200,289 shall be used for rural
and community fire protection, and
\$412,348 shall be used for forestry
research, marketing, management
and environmental improvement
grants and \$25,000 shall be
expended for the Pine Beetle
Project at the University of North
Alabama.

**62. FOREVER WILD LAND TRUST,
BOARD OF:**

(a) Capital Outlay Program.....	2,077,665
(b) Administration Program.....	577,130

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund.....	2,654,795
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In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219.

Total Board of Forever Wild Land Trust	<u>2,654,795</u>	<u>2,654,795</u>
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**63. FUNERAL SERVICE, ALABAMA
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program	156,000
-----------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	156,000
----------------------------------------------------------	---------

As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service.....	<u>156,000</u>	<u>156,000</u>
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64. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,186,173
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SOURCE OF FUNDS:

(1) State General Fund.....	2,113,066		
(2) Federal and Local Funds.....		1,073,107	
Total Geological Survey.....	2,113,066	1,073,107	3,186,173

65. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....			4,124
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SOURCE OF FUNDS:

(1) State General Fund.....	4,124		
As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.			
Total Gorgas Memorial Board.....	4,124		4,124

66. GOVERNOR'S CONTINGENCY
FUND:

(a) Executive Direction Program.....			569,100
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SOURCE OF FUNDS:

(1) State General Fund.....	569,100		
Total Governor's Contingency Fund.....	569,100		569,100

67. GOVERNOR'S MANSION:

(a) Executive Direction Program.....			430,659
(b) Capital Outlay Program.....			60,000

SOURCE OF FUNDS:

(1) State General Fund.....	490,659		
Total Governor's Mansion.....	490,659		490,659

**68. GOVERNOR'S MANSION
ADVISORY BOARD:**

(a) Historical Resources Management Program.....	7,189
--------------------------------------------------	-------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>7,189</u>	
Total Governor's Mansion Advisory Board.....	<u>7,189</u>	<u>7,189</u>

69. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	3,218,375
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>3,218,375</u>	
Total Governor's Office.....	<u>3,218,375</u>	<u>3,218,375</u>

**70. GOVERNOR'S OFFICE ON
VOLUNTEERISM:**

(a) Executive Direction Program.....	77,954
--------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>77,954</u>	
Total Governor's Office on Volunteerism.....	<u>77,954</u>	<u>77,954</u>

**71. HEALTH, DEPARTMENT OF
PUBLIC:**

(a) Personal Health Services Program	123,404,435
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(b) Health Support Services Program...	171,107,951
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Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

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(c) Administrative Services Program.... 15,372,227

SOURCE OF FUNDS:

(1) State General Fund..... 27,990,342

(2) Cigarette Tax-\$0.01 and \$0.02..... 1,600,000

As provided in Section 40-25-2 and
Section 40-25-23, Code of Alabama
1975.

(3) Vital Statistics Fund..... 3,775,785

(4) Hospital Licensing Fund..... 425,000

(5) Emergency Medical Services Fund 56,000

As provided in Section 22-18-4, Code
of Alabama 1975.

(6) Local Health Departments..... 110,840,400

(7) Milk Permit Fee..... 50,000

In accordance with Sections 20-1-140
through 20-1-146, Code of
Alabama 1975.

(8) Radiation Safety Fund..... 1,745,976

(9) Miscellaneous Funds..... 15,485,772

(10) Federal Funds..... 35,738,665

(11) WIC Funds..... 86,192,570

(12) The Alabama Legacy for Environ-
mental Research Trust Fund..... 500,000

As provided in Section 22-30B-19,
Code of Alabama 1975.

(13) Health-Medicaid Fund..... 25,484,103

Total Department of Public Health..... 27,990,342 281,894,271 309,884,613

Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

72. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program.....	802,199
-------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	192,199		
(2) Certificate of Need Fees.....		500,000	
(3) Departmental Receipts.....		50,000	
(4) Federal Funds.....		60,000	
Total State Health Planning Agency.....	192,199	610,000	802,199

73. HEARING AID DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	48,731
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SOURCE OF FUNDS:

(1) State Board of Health - Hearing Aid Fund.....	48,731
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As provided in Section 34-14-33, Code of Alabama 1975.

Total Alabama Board of Hearing Aid Dealers.....	48,731	48,731
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**74. HEATING AND AIR CONDITION-
ING CONTRACTORS, BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....		339,717
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	339,717	
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As provided in Sections 34-31-1
through 34-31-34, Code of
Alabama 1975.

Total Board of Heating and Air Condi- tioning Contractors.....	339,717	339,717
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**75. HERITAGE TRUST FUND,
ALABAMA:**

(a) Fiscal Management Program.....		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
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Total Alabama Heritage Trust Fund.....	20,000	20,000
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**76. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Management Program.....		350,000
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SOURCE OF FUNDS:

(1) State General Fund.....	350,000	
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Total Historic Blakeley Authority.....	350,000	350,000
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**77. HISTORIC CHATTAHOOCHEE
COMMISSION:**

(a) Historical Resources Management Program.....	139,035
-----------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	139,035	
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Total Historic Chattahoochee Commission.....	139,035	139,035
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The funds hereby appropriated are to
be expended only for grants,
projects, and/or any other legal
purposes in the State of Alabama.

**78. HISTORICAL COMMISSION,
ALABAMA:**

(a) Historical Resources Management Program.....	4,269,826
-----------------------------------------------------	-----------

(b) Capital Outlay Program.....	41,989
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,272,767
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The above appropriation shall be
distributed as follows:

Historical Commission, Alabama.....	798,492
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Historical Commission, Alabama-La Grange.....	6,529
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Historical Commission, Alabama-Magnolia Grove.....	31,911
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Historical Commission, Alabama-Fort Morgan.....	151,998
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Historical Commission, Alabama-Fort Morgan-Capital Outlay.....	41,989
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Historical Commission, Alabama-Fort
Toulouse.....92,620

Historical Commission, Alabama-John
T. Morgan House, Selma.....9,623

Historical Commission,
Alabama-Cahaba.....125,966

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

Historical Commission,
Alabama-Gaineswood.....62,350

Historical Commission, Alabama-State
Capitol.....905,454

Mainstreet Program.....45,835

(2) Soldiers Fund..... 181,413

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 1,257,635

(4) Federal and Local Funds..... 600,000

Total Alabama Historical Commission.. 2,272,767 2,039,048 4,311,815

**79. HOME BUILDERS LICENSURE
BOARD:**

(a) Professional and Occupational
Licensing and Regulation
Program..... 661,820

SOURCE OF FUNDS:

(1) Home Builders Licensure Board
Fund..... 661,820

In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.

Total Home Builders Licensure Board.....	661,820	661,820
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80. HUMAN RESOURCES, DEPART- MENT OF:

(a) Human Services Program.....	455,764,482
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It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. Of the above appropriation, at least \$2,192,815 shall be expended for mandates of the R.C. v. Hornsby court settlement.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	40,314,169
(2) Federal and Local Funds.....	307,760,487
(3) ABC Profits.....	700,000
(4) Whiskey Tax.....	21,650,000
(5) Beer Tax.....	9,100,000
(6) Pension Residue.....	18,000,000
(7) Sales Tax.....	1,322,000

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(8) Franchise Tax.....	17,200,000		
(9) Child Support Collections.....	6,614,676		
(10) Sales Tax for Food Stamps, Estimated.....	24,334,150		
In accordance with Section 40-23-35, Code of Alabama 1975.			
(11) Cigarette Tax.....	3,900,000		
(12) Contractor's Gross Receipts Tax. .	3,000,000		
(13) Foster Care Trust Fund.....	400,000		
(14) Child Support Interest and Fees. . .	356,000		
(15) Miscellaneous Receipts.....	1,113,000		
<hr/>			
Total Department of Human Resources.....	40,314,169	415,450,313	455,764,482

**81. INDIAN AFFAIRS COMMISSION,
ALABAMA:**

(a) Social Services Program.....	200,000
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000	
<hr/>		
Total Alabama Indian Affairs Commission.....	200,000	200,000

**82. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:**

(a) Industrial Development Program.....	300,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....	300,000	
<hr/>		
Total State Industrial Development Authority.....	300,000	300,000

**83. INDUSTRIAL RELATIONS,
DEPARTMENT OF:**

(a) Employment Security Program.....	47,270,051
(b) Industrial Safety and Accident Prevention Program.....	5,197,973

Of the above appropriation, at least
\$117,505 shall be expended for the
enforcement of child labor laws.

(c) Administrative Services Program....	12,247,154
(d) Workers' Compensation Program...	4,051,958
(e) Capital Outlay Program.....	590,000

SOURCE OF FUNDS:

(1) State General Fund.....	809,804		
(2) Federal and Local Funds.....		68,547,332	
Total Department of Industrial Relations.....	809,804	68,547,332	69,357,136

84. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	3,944,680
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SOURCE OF FUNDS:

(1) State General Fund.....	1,994,786		
(2) Fire Marshal's Fund.....		324,890	
As provided in Sections 34-33-11 and 8-17-211, Code of Alabama 1975.			
(3) Examination Revolving Fund.....		1,625,004	
Total Department of Insurance.....	1,994,786	1,949,894	3,944,680

**85. INSURANCE BOARD, STATE
EMPLOYEES':**

(a) Administrative Support Services Program.....	1,019,208
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,019,208		
Total State Employees' Insurance Board.....	1,019,208	1,019,208	

86. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			14,900
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	14,900		
As provided in Section 34-15A-7, Code of Alabama 1975.			
Total Alabama State Board of Registration for Interior Designers.....	14,900	14,900	

87. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....			391,867
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SOURCE OF FUNDS:

(1) State General Fund.....	292,763		
(2) Federal and Local Funds.....	99,104		
Total Department of Labor.....	292,763	99,104	391,867

88. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....			39,048
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....	39,048		
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As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Landscape Architects.....	39,048	39,048
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**89. LIEUTENANT GOVERNOR,
OFFICE OF THE:**

(a) Legislative Operations and Support Program.....		556,657
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SOURCE OF FUNDS:

(1) State General Fund.....	556,657	
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Total Office of the Lieutenant Governor.....	556,657	556,657
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**90. LIQUEFIED PETROLEUM GAS
BOARD:**

(a) Regulatory Services Program.....		544,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....	469,000	
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(2) Liquefied Petroleum Gas Research and Education Fund.....	75,000	
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Total Liquefied Petroleum Gas Board. .	544,000	544,000
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**91. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:**

(a) Agricultural Development Service Program.....		6,000
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	6,000	
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In accordance with Sections 2-15-115
through 2-15-127, Code of
Alabama 1975.

Total Alabama Public Livestock Market Board.....	6,000	6,000
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92. MANUFACTURED HOUSING
COMMISSION, ALABAMA:

(a) Regulatory Services Program..... 1,343,286

SOURCE OF FUNDS:

(1) Alabama Manufactured Housing
Commission Fund..... 1,306,086

As provided in Section 24-6-4, Code of
Alabama 1975.

(2) Transfer from Manufactured
Homes Title Fee Receipts Levied in
Section 32-8-6, Code of Alabama
1975..... 37,200

Total Alabama Manufactured Housing
Commission..... 1,343,286 1,343,286

93. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through
Medicaid Program..... 1,873,246,982

The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided. The above appropriation shall include a reimbursement of the maximum amount available for rural hospitals that own and operate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall reimburse 20% of said funds to any qualifying Hill-Burton hospital in the same county that provides support for the schools of nursing in the rural hospital.

SOURCE OF FUNDS:

(1) State General Fund.....	138,934,767	
(2) Transfer from Department of Human Resources.....	16,951,452	
(3) Transfer from Mental Health.....	50,828,288	
(4) Transfer from Commission on Aging.....	4,400,857	
(5) Transfer from Department of Public Health.....	7,839,272	
(6) Transfer from Department of Youth Services.....	189,897	
(7) Transfer from Department of Education.....	3,114,275	
(8) Transfer from Children's Rehabilita- tion Services.....	1,811,168	
(9) Public Hospitals Transfer.....	238,700,000	
(10) Departmental Receipts.....	6,500,000	
(11) Federal and Local Funds.....	1,348,507,096	
(12) Alabama Health Care Trust Fund.....	55,000,000	
(13) Unencumbered Balance Brought Forward.....	95,820	
(14) Transfer from University of Alabama in Birmingham.....	374,090	
Total Alabama Medicaid Agency.....	<u>138,934,767</u>	<u>1,734,312,215</u> <u>1,873,246,982</u>

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

In addition to the above appropriation to the Alabama Medicaid Agency, there is hereby conditionally appropriated \$7,790,667 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

94. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	4,124
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SOURCE OF FUNDS:

(1) State General Fund.....	4,124	
Total Alabama Men's Hall of Fame.....	4,124	4,124

95. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Institutional Treatment and Care-Mental Illness Program.....	114,283,746
(b) Institutional Treatment and Care-Mental Retardation Program...	74,273,617
(c) Administrative Services Program....	13,787,525
(d) Community Services Program.....	134,700,244
(1) Mental Illness Services..	64,656,117
(2) Substance Abuse Ser- vices.....	21,552,039

Of the above appropriations for Mental Illness Services and Substance Abuse Services, \$59,627,810 and \$20,687,155 respectively shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under

Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

(3) Mental Retardation Services.....48,492,088

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 62,921,420

(2) Special Mental Health Trust Fund... 110,591,356

For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits..... 1,000,000

(4) Cigarette Tax..... 3,017,140

(5) Departmental Receipts..... 2,036,995

(6) Indigent Offender Alcohol/ Drug Treatment Fund..... 190,000

(7) Federal and Local Funds.....	157,288,221		
Total Department of Mental Health and Mental Retardation.....	62,921,420	274,123,712	337,045,132

In addition to the above appropriation to the Department of Mental Health and Mental Retardation, there is hereby conditionally appropriated an amount not to exceed \$1,093,203 for capital outlay from the Special Mental Health Trust Fund to be conditioned upon the availability of funds in the Special Mental Health Trust Fund, the recommendation of the Director of Finance and the approval of the Governor.

96. MILITARY DEPARTMENT:

(a) Military Operations Program.....	5,453,482
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,632,482	
(2) State General Fund-Quarterly Allowances Headquarters.....	1,500,000	
(3) State General Fund-Active Military Service.....	15,000	
(4) State General Fund-Transfer to Armory Commission.....	2,300,000	
(5) State General Fund-Dropping Allowance.....	3,000	
(6) State General Fund-State Defense Force.....	3,000	
Total Military Department.....	5,453,482	5,453,482

**97. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:**

(a) Military Operations Program.....	7,787,613
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(b) Capital Outlay Program.....	57,000
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SOURCE OF FUNDS:

(1) Transfer from Military Department...	2,300,000
(2) Federal and Local Funds.....	5,398,573
(3) Military Department Billeting Revolving Fund, Estimated.....	69,040
(4) Departmental Receipts.....	77,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund and any unobligated balance remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama.....	7,844,613	7,844,613
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**98. MOTOR SPORTS HALL OF
FAME:**

(a) Historical Resources Management Program.....	154,732
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SOURCE OF FUNDS:

(1) State General Fund.....	154,732	
Total Motor Sports Hall of Fame.....	154,732	154,732

99. MUSIC HALL OF FAME,
ALABAMA:

(a) Fine Arts Program.....	220,559
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SOURCE OF FUNDS:

(1) State General Fund.....	220,559	
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Total Alabama Music Hall of Fame.....	220,559	220,559
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100. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program.....	2,173,510
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	2,173,510
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As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing.....	2,173,510	2,173,510
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101. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....	84,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	84,000
--------------------------------------------------------------------	--------

As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators.....	84,000	84,000
-----------------------------------------------------------------	--------	--------

**102. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	45,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	45,000
------------------------------------------------	--------

As provided in Section 34-39-6, Code
of Alabama 1975.

Total Alabama State Board of Occupa- tional Therapy.....	<u>45,000</u>	<u>45,000</u>
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103. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program.....	2,202,452
-----------------------------------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,087,452
-----------------------------	-----------

(2) Oil and Gas Board Special Fund.....	95,000
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(3) Surety Bond Deposits, Estimated....	20,000
-----------------------------------------	--------

In accordance with Section 9-17-6,
Code of Alabama 1975.

Total Oil and Gas Board.....	<u>2,087,452</u>	<u>115,000</u>	<u>2,202,452</u>
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**104. OLYMPIC COORDINATION
BOARD:**

(a) Tourism and Travel Promotion Program.....	250,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>250,000</u>
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Total Olympic Coordination Board.....	<u>250,000</u>	<u>250,000</u>
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105. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....	14,245,165
--------------------------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund.....	10,622,569
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(2) Probationers Upkeep Fund.....	3,495,796
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In accordance with Section 15-22-2,
Code of Alabama 1975.

(3) Local Funds.....	126,800
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Total Board of Pardons and Paroles....	10,622,569	3,622,596	14,245,165
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106. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....	418,157
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....	418,157
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As provided in Section 36-21-66, Code
of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund.....	418,157	418,157
-------------------------------------------------------------	---------	---------

107. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....	3,891,577
--------------------------------------------------	-----------

SOURCE OF FUNDS:

Transfers to the State Personnel
Department shall be as follows:

(1) Board of Public Accountancy.....	369
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(2) Department of Aeronautics.....	527
(3) Commission on Aging.....	2,054
(4) Department of Agriculture and Industries.....	38,553
(5) Agricultural and Conservation Development Commission.....	53
(6) Agricultural Center Board.....	1,659
(7) Alcoholic Beverage Control Board. .	88,587
(8) Board of Registration for Architects.....	158
(9) Archives and History.....	5,635
(10) State Council on the Arts.....	1,843
(11) Attorney General's Office.....	15,695
(12) Board of Auctioneers.....	53
(13) State Auditor.....	1,633
(14) State Banking Department.....	4,793
(15) Building Commission.....	2,054
(16) Alabama Building Renovation Finance Authority.....	12,746
(17) Child Abuse and Neglect Prevention Board.....	421
(18) Chiropractic Examiners.....	105
(19) Choctawhatchee-Pea Rivers Watershed.....	53
(20) Department of Conservation and Natural Resources.....	171,643
(21) State Licensing Board for General Contractors.....	685

(22) Department of Corrections.....	354,242
(23) Board of Cosmetology.....	1,317
(24) Credit Union Administration.....	790
(25) Alabama Crime Victims Compensation Commission.....	1,422
(26) Criminal Justice Information Center.....	5,951
(27) Alabama Development Office.....	4,951
(28) Board of Dietetics and Nutrition.....	53
(29) State Docks.....	35,919
(30) Department of Economic and Community Affairs.....	33,602
(31) Department of Education.....	155,738
(32) Electrical Contractors Board.....	53
(33) Emergency Management Agency.....	5,530
(34) Employees' Insurance Board.....	1,475
(35) Board of Registration for Professional Engineers and Land Surveyors.....	632
(36) Department of Environmental Management.....	46,821
(37) Ethics Commission.....	843
(38) Examiners of Public Accounts.....	24,016
(39) Farmers' Market Authority.....	211
(40) Finance Department.....	55,512
(41) Foreign Trade Relations Commission.....	105

(42) Department of Forensic Sciences.....	13,746
(43) Forestry Commission.....	54,564
(44) Funeral Services Board.....	158
(45) Governor's Office.....	3,739
(46) Department of Public Health.....	507,504
(47) State Health Planning Agency.....	1,738
(48) Board of Heating and Air Conditioning Contractors.....	474
(49) Alabama Historical Commission....	8,953
(50) Home Builders Licensure Board....	53
(51) Department of Human Resources.....	480,117
(52) Alabama Indian Affairs Commission.....	158
(53) Department of Industrial Relations.....	189,129
(54) Insurance Department.....	7,268
(55) Judicial Inquiry Commission.....	158
(56) Department of Labor.....	737
(57) Legislative Reference Service.....	211
(58) Liquefied Petroleum Gas Board....	895
(59) Manufactured Housing Commission.....	1,527
(60) Alabama Medicaid Agency.....	57,513
(61) Department of Mental Health and Mental Retardation.....	524,410
(62) Military Department.....	26,544

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(63) Board of Nursing.....	2,791
(64) Board of Examiners of Nursing Home Administrators.....	53
(65) Board of Occupational Therapy....	53
(66) Oil and Gas Board.....	11,745
(67) Pardons and Paroles.....	39,290
(68) Peace Officers' Annuity and Benefit Fund.....	369
(69) Peace Officers' Standards and Training Commission.....	421
(70) Physical Fitness Commission.....	527
(71) Board of Physical Therapy.....	158
(72) Plumbers and Gas Fitters Examiners Board.....	1,527
(73) Public Library Service.....	5,530
(74) Department of Public Safety.....	129,351
(75) Public Service Commission.....	14,800
(76) Alabama Educational Television Commission.....	8,111
(77) Real Estate Appraisers Board.....	579
(78) Real Estate Commission.....	2,001
(79) Retirement Systems.....	18,592
(80) Department of Revenue.....	142,940
(81) Secretary of State.....	4,055
(82) Securities Commission.....	1,949
(83) Board of Social Work Examiners...	158
(84) Soil and Water Conservation Committee.....	263

(85) Surface Mining Commission.....	3,634	
(86) Bureau of Tourism and Travel.....	7,795	
(87) Department of Transportation.....	477,905	
(88) State Treasurer.....	4,793	
(89) Department of Veterans' Affairs....	6,636	
(90) Board of Veterinary Medical Examiners.....	158	
(91) Voter Registration.....	158	
(92) Department of Youth Services.....	46,031	
(93) Miscellaneous Receipts.....	1,106	
Total State Personnel Department.....	3,891,577	3,891,577

**108. PHYSICAL THERAPY, BOARD
OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	150,411
-------------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Physical Therapist Fund.....	150,411	
As provided in Section 34-24-195, Code of Alabama 1975.		
Total Board of Physical Therapy.....	150,411	150,411

**109. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program.....	1,000,000
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,000,000
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As provided in Section 34-37-5, Code
of Alabama 1975.

Total Alabama Plumbers and Gas Fitters Examining Board.....	1,000,000	1,000,000
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**110. POLYGRAPH EXAMINERS,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	15,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund.....	15,000
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As provided in Section 34-25-5, Code
of Alabama 1975.

Total Board of Polygraph Examiners....	15,000	15,000
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**111. PROSECUTION SERVICES,
OFFICE OF:**

(a) Prosecution, Training, Education and Management Program.....	978,178
---------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	216,401
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(2) Office of Prosecution Services Fund.....	761,777
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Total Office of Prosecution Services.....	216,401	761,777	978,178
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**112. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program.....	114,874
-------------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....	114,874
------------------------------------------------	---------

As provided in Section 34-26-43, Code of Alabama 1975.

Total Alabama Board of Examiners in Psychology.....	114,874	114,874
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113. PUBLIC SAFETY, DEPARTMENT OF:

(a) Police Services Program.....	27,676,233
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(b) Public Safety Support Services Program.....	11,067,057
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(c) Administrative Services Program....	18,006,856
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SOURCE OF FUNDS:

(1) State General Fund.....	41,992,212
-----------------------------	------------

(2) Transfer from ABC Profits.....	2,000,000
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(3) Transfer from Public Road and Bridge Fund-Act 91-797.....	3,500,000
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Notwithstanding the provisions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.

(4) Federal and Local Funds.....	3,588,702
----------------------------------	-----------

(5) Automated Fingerprint Identification System Fund.....	827,232
-----------------------------------------------------------	---------

In accordance with Section 32-2-61, Code of Alabama 1975.

(6) Public Safety Law Enforcement Fund.....	4,000,000
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In accordance with Section 32-6-5, Code of Alabama 1975.

(7) Drug Offenders Reinstatement..... 75,000

(8) Commercial Driver's License Fee... 767,000

In accordance with Section 32-5-313,
Code of Alabama 1975.

Total Department of Public Safety.....	41,992,212	14,757,934	56,750,146
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**114. PUBLIC SERVICE COM-
MISSION:**

(a) Regulatory Services Program..... 5,868,366

(b) Administrative Services Program.... 4,252,206

The above appropriation includes a
transfer to the State General Fund
of \$1,500,000 in four equal
amounts at the end of each quarter
of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund.... 9,388,492

The above appropriation to the
Alabama Public Service
Commission shall be payable only
from inspection and supervision
fees paid by utilities, radio
companies and transportation
companies and such parts or
percentages of fees and taxes paid
by motor carrier or motor transpor-
tation companies as are now or
may be set aside by law to be used
by the Commission. Any surplus
remaining in the Alabama Public
Service Commission Fund at the
end of the fiscal year in excess of
\$600,000 shall be transferred to the
State General Fund.

(2) Gas Pipeline Safety Fund..... 486,080

(3) Departmental Receipts..... 6,000

(4) Federal and Local Funds.....	240,000	
Total Public Service Commission.....	10,120,572	10,120,572

115. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		417,527
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund.....	417,527	
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In accordance with Section 34-27A-1
through 34-27A-29, Code of
Alabama 1975.

Total Alabama Real Estate Appraisers Board.....	417,527	417,527
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116. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		2,653,668
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,653,668	
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As provided in Section 34-27-4, Code
of Alabama 1975, and the total
expenditures shall in no manner
exceed the amounts hereby
appropriated.

Total Alabama Real Estate Commission.....	2,653,668	2,653,668
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117. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....		76,242,596
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The above appropriation shall include
a transfer to the Examiners of
Public Accounts of \$200,000 and
\$2,000,000 to the State General
Fund.

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 225,060

As provided in Section 40-7-70, Code
of Alabama 1975, to maintain a
program for the equalization of ad
valorem tax assessments.

(2) State General Fund-Board of
Equalization..... 90,049

(3) Transfer from the gross proceeds
of Cigarette Tax Collections..... 1,445,769

As provided in Section 40-25-27, Code
of Alabama 1975.

(4) Transfer from the gross proceeds
of Financial Institution Excise Tax
Collections..... 374,726

(5) Transfer from the proceeds of the
Forest Severance Tax Collections... 137,959

(6) Transfer from the gross proceeds
of Gasoline Tax Collections..... 6,560,416

(7) Transfer from the Income Tax
Collections..... 22,264,883

(8) Transfer from the gross proceeds
of Motor Fuel Tax Collections..... 1,367,341

(9) Transfer from the gross proceeds
of Motor Vehicle License
Collections..... 2,964,681

(10) Transfer from the Pension Fund
as part of the cost of collections of
the 1-Mill Ad Valorem Tax..... 907,194

(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,234,943
(12) Transfer from the gross proceeds of Sales Tax Collections.....	19,641,882
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	59,150
(14) Transfer from the gross proceeds of Use Tax Collections.....	2,149,523
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,772,518
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Transfer from Abandoned Property Trust Fund.....	100,000
As provided in Section 35-12-39, Code of Alabama 1975.	
(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	35,324
(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	246,095
(21) Transfer from Underground/ Aboveground Storage Tank Fees....	150,000
In accordance with Sections 22-35-1 through 22-35-13, Code of Alabama 1975.	

(22) Local Funds..... 6,900,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	315,109	75,927,487	76,242,596
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118. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	1,226,466
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SOURCE OF FUNDS:

(1) State General Fund.....	784,882		
(2) UCC and Farm Indexing Fund.....		146,584	
(3) Corporations Fund.....		295,000	
Total Secretary of State.....	784,882	441,584	1,226,466

119. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	2,154,309
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) Sale of Checks License Fund.....	17,000
(2) Securities Commission Fund.....	2,063,309

(3) Industrial Revenue Bond Notification Fund.....	74,000	
Total Securities Commission.....	2,154,309	2,154,309

120. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....		18,705
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To be expended in accordance with Section 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	18,705	
Total Alabama Senior Citizens Hall of Fame.....	18,705	18,705

121. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		110,831
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	110,831	
As provided in Section 34-30-6, Code of Alabama 1975.		
Total Alabama State Board of Social Work Examiners.....	110,831	110,831

122. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program.....		1,342,199
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Of the above appropriation to the Water Resource Development Program, \$46,500 shall be expended for watershed management and \$46,500 shall be allocated to the Sand Mountain-Lake Guntersville Watershed Conservancy District.

(b) Professional and Occupational Licensing and Regulation Program.....	5,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,177,199	
(2) Soil Classifiers Fund.....		5,000

As provided in Section 34-32-19, Code of Alabama 1975.

(3) Departmental Receipts.....	<u>165,000</u>	
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Total State Soil and Water Conservation Committee.....	<u>1,177,199</u>	<u>170,000</u>	<u>1,347,199</u>
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123. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program.....	23,869
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>23,869</u>	
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Total Southern Growth Policies Board.....	<u>23,869</u>	<u>23,869</u>
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124. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	78,490
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for
Speech Pathology and Audiology
Fund.....

78,490

As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for
Speech Pathology and Audiology....

78,490

78,490

125. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management
Program.....

164,594

SOURCE OF FUNDS:

(1) State General Fund.....

164,594

Total Alabama Sports Hall of Fame.....

164,594

164,594

126. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident
Prevention Program.....

5,113,536

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....

309,261

(2) Surface Mining Commission-Fees. .

914,638

(3) Federal and Local Funds.....

1,289,637

(4) Bond Forfeiture/Reclamation
Projects, Estimated.....

2,600,000

As provided in Section 9-16-103, Code
of Alabama 1975.

Total Alabama Surface Mining
Commission.....

309,261

4,804,275

5,113,536

127. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management
Program.....

454,185

SOURCE OF FUNDS:

(1) State General Fund.....	454,185	
Total Tannehill Furnace and Foundry Commission.....	454,185	454,185

128. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....		83,294
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SOURCE OF FUNDS:

(1) State General Fund.....	83,294	
Total Tennessee-Tombigbee Water- way Development Authority.....	83,294	83,294

129. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....		185,807
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To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	135,269	
(2) Admissions and Concessions.....		50,538
Total Tennessee Valley Exhibit Commission of Alabama.....	135,269	50,538 185,807

The above appropriation to the
Tennessee Valley Exhibit
Commission includes \$60,000 for
payment of debt service on the
Tennessee Valley Exhibit
Commission of Alabama Project
Revenue Bonds.

**130. TOURISM AND TRAVEL, BU-
REAU OF:**

(a) Tourism and Travel Promotion Program.....	6,164,817
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SOURCE OF FUNDS:

(1) State General Fund.....	1,189,086	
(2) Lodgings Tax (\$0.01)		4,975,731

Receipts collected under the
provisions of Section 40-26-1, et
seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	<u>1,189,086</u>	<u>4,975,731</u>	<u>6,164,817</u>
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**131. TRANSPORTATION, DEPART-
MENT OF:**

(a) Central Administration Program.....	22,099,583
(b) Division and District Supervision Program.....	29,257,953
(c) Operations and Support Services Program.....	11,491,521
(d) Maintenance Program.....	184,787,515
(e) Non-Programmatic Programs.....	22,910,665

Proposed spending plan for the above
(e) includes the following:

Debt Service.....	18,811,245
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Equipment - Other than Auto- motive.....	4,099,420
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(f) Construction-Federal Aid Program...	449,643,129
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Proposed spending plan for the above
(f) includes the following:

Federal Aid Matching.....	90,570,913
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Non-Participating Work on Federal
Projects.....1,000,000

Federal Aid.....358,072,216

(g) Construction-State Program..... 25,246,000

(h) Operations-Land and Buildings
Program..... 3,083,767

(i) Captive County Health Insurance
Program..... 168,480

(j) Transfer to Department of Public
Safety, in accordance with Act
91-797..... 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 170,000

(2) Public Road and Bridge Fund..... 390,446,397

(3) Public Road and Bridge
Fund-Transfer to Department of
Public Safety..... 3,500,000

(4) Federal Aid..... 358,072,216

There is hereby appropriated, for
payment of the principal of and the
interest on all bonds heretofore or
hereafter issued for public
highways and bridge purposes, or
either, by the State of Alabama,
Alabama Highway Authority,
Alabama Federal Aid Highway
Finance Authority, or Alabama
Industrial Access Road and Bridge
Corporation, a total of \$18,811,245
or so much thereof as may be
necessary for payment of said
principal and interest at their
respective maturities, of the
revenues pledged for such pay-
ment. The Director of Transporta-
tion with the consent of the Gover-
nor and the Director of Finance

shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation.....	170,000	752,018,613	752,188,613
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In addition to the above appropriation, there is hereby conditionally appropriated \$1,300,000 from the State General Fund to the Department of Transportation for Amtrak operating subsidy to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

132. TREASURER, STATE:

(a) Fiscal Management Program.....	4,942,309
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SOURCE OF FUNDS:

(1) State General Fund.....	1,840,733		
(2) Prepaid Affordable College Tuition Fund.....		3,101,576	
Total State Treasurer.....	1,840,733	3,101,576	4,942,309

133. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....	30,000
----------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	30,000		
As provided in Section 41-9-374, Code of Alabama 1975.			
Total Alabama Commission on Uniform State Laws.....	30,000		30,000

134. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program.....	8,297,394
(b) Capital Outlay Program.....	3,375,210

SOURCE OF FUNDS:

(1) State General Fund.....	3,079,238		
(2) Veterans Home Trust Fund-Transfer.....		8,593,366	
Total Department of Veterans' Affairs...	3,079,238	8,593,366	11,672,604

135. VETERINARY MEDICAL
EXAMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			180,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....		180,000	
As provided in Section 34-29-70, Code of Alabama 1975.			
Total Alabama State Board of Veterinary Medical Examiners.....		180,000	180,000

136. VOTER REGISTRATION IDEN-
TIFICATION PROGRAM:

(a) Special Services Program.....			353,441
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SOURCE OF FUNDS:

(1) State General Fund.....	353,441		
Total Voter Registration Identification Program.....	353,441		353,441

137. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....			10,308
---------------------------------------------------------	--	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	10,308		
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Total Alabama Women's Commission.....	10,308	10,308
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**138. WOMEN'S HALL OF FAME,
ALABAMA:**

(a) Historical Resources Management Program.....		4,490
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SOURCE OF FUNDS:

(1) State General Fund.....	4,490	
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Total Alabama Women's Hall of Fame.....	4,490	4,490
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139. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program.....		6,282,882
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The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	3,229,108	
-----------------------------------------------	-----------	--

(2) State General Fund-Juvenile Probation Officers Subsidy.....	3,053,774	
-----------------------------------------------------------------	-----------	--

Total Department of Youth Services.....	6,282,882	6,282,882
-----------------------------------------	-----------	-----------

**2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED FROM
THE STATE GENERAL FUND:**

**1. ARREST OF ABSCONDING
FELONS:**

(a) Criminal Investigation Program, Estimated.....		60,450
----------------------------------------------------	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	60,450	
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As provided in Section 15-9-1 and
15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	60,450	60,450
----------------------------------------	--------	--------

2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....		82
----------------------------------------------------------------	--	----

SOURCE OF FUNDS:

(1) State General Fund.....	82	
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As provided in Section 12-22-150 and
12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	82	82
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3. BUSKEY PENNY TRUST FUND:

(a) Special Services Program, Estimated.....		30,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	30,000	
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Penny Trust Fund.....	30,000	30,000
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4. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program.....		186,000
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SOURCE OF FUNDS:

(1) State General Fund.....	186,000	
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As provided in Section 37-1-18, Code
of Alabama 1975.

Total Consumer Utility Rate Hearing....	186,000	186,000
-----------------------------------------	---------	---------

**5. COURT ASSESSED COSTS NOT
PROVIDED FOR:**

(a) Special Services Program,
Estimated..... 2,000,000

As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program..... 279,000

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program..... 37,486

The above appropriation shall be used
to reimburse reasonable expenses
incurred by attorneys representing
defendants under sentence of
death in state collateral
proceedings, such as those under
Rule 32 of the Rules of Criminal
Procedure. Provided, in no case
may any amount be paid unless the
court determines by written order in
advance that the cost is both
necessary and reasonable; in no
single case may the total amount
paid for all costs exceed \$5,000;
and in no event may any amount be
paid out of this appropriation as
fees to any attorney for services, or
to compensate any attorney for
time either as an attorney in the
proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,000,000	
(2) State General Fund.....	279,000	
(3) State General Fund-Automatic Appeal Cases	37,486	
Total Court Assessed Costs Not Provided For.....	2,316,486	2,316,486

6. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....		372
-------------------------------------------------	--	-----

SOURCE OF FUNDS:

(1) State General Fund.....	372	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957....	372	372

7. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....		65,976
----------------------------------------------------------------	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	65,976	
As provided in Sections 36-14-1, 36-14-11, 17-22A-11 and 41-21-8, Code of Alabama 1975.		
Total Distribution of Public Documents.....	65,976	65,976

8. STATE DOCKS TRANSFER:.....		3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total State Docks Transfer.....	<u>3,500,000</u>	<u>3,500,000</u>
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9. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....		3,720,000
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(b) Training of Election Officials.....		72,694
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund.....	3,720,000	
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As provided in Section 17-21-6, Code of Alabama 1975.

(2) State General Fund.....	<u>72,694</u>	
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Total Election Expenses.....	<u>3,792,694</u>	<u>3,792,694</u>
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10. EMERGENCY FUND,
DEPARTMENTAL:

(a) Special Services Program.....		1,100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,100,000	
-----------------------------	-----------	--

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the

total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund...	1,100,000	1,100,000
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11. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated.....		5,500,000
-------------------------------------------------	--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	5,500,000	
Total Fair Trial Tax Transfer.....	5,500,000	5,500,000

12. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....		4,200,000
-------------------------------------------------------------------	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	4,200,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners.....	4,200,000	4,200,000
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13. FINANCE-CMIA:

(a) Fiscal Management Program, Estimated.....	300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	300,000
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To implement the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and the governing Federal regulations in 31 CFR Part 205. Any payments owed by the Department of Transportation to the federal government shall not be paid from this appropriation.

Total Finance-CMIA.....	300,000	300,000
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14. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program.....	8,247
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SOURCE OF FUNDS:

(1) State General Fund.....	8,247
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In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	8,247	8,247
-------------------------------------------------------------------------------	-------	-------

15. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....	93,000
-------------------------------------------------------	--------

Payments of the State's Share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund.....	93,000	
Total Department of Finance-FEMA.....	93,000	93,000

The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Management Agency of the State of Alabama to pay a state match for FEMA grants.

**16. FOREST FIRE FUND,
EMERGENCY:**

(a) Forest Resources Protection and Development Program.....	180,000
--------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
--------------------------------------	---------

The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Emergency Forest Fire Fund	180,000	180,000
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**17. GOVERNOR'S CONFERENCE,
NATIONAL:**

(a) Executive Direction Program, Estimated.....	173,602
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SOURCE OF FUNDS:

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(1) State General Fund.....	173,602	
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Total National Governor's Conference.....	173,602	173,602
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18. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program, Estimated.....		186,000
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SOURCE OF FUNDS:

(1) State General Fund.....	186,000	
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As provided in Section 17-14-21, Code
of Alabama 1975.

Total Governor's Proclamation Expenses.....	186,000	186,000
------------------------------------------------	---------	---------

19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated.....		37,200
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SOURCE OF FUNDS:

(1) State General Fund.....	37,200	
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As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund.....	37,200	37,200
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20. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated.....		2,325
----------------------------------------------------------------	--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	2,325	
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To carry out provisions of Section
36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense.....	2,325	2,325
---------------------------------------------	-------	-------

**21. MILITARY - EMERGENCY
ACTIVE DUTY PAY:**

(a) Military Operations Program, Estimated.....	186,000
----------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	186,000
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As provided in Section 31-2-133, Code
of Alabama 1975.

Total Military - Emergency Active Duty Pay.....	186,000	186,000
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**22. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:**

(a) Legislative Operations and Support Program, Estimated.....	395,250
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SOURCE OF FUNDS:

(1) State General Fund.....	395,250
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As provided in Section 29-7-6, Code of
Alabama 1975.

Total Printing of Code Supplements - Legislative Reference Service.....	395,250	395,250
----------------------------------------------------------------------------	---------	---------

**23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:**

(a) Administrative Support Services Program, Estimated.....	504,355
----------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	504,355
-----------------------------	---------

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.

Total Printing Codes and Sup- plements - Secretary of State.....	504,355	504,355
---------------------------------------------------------------------	---------	---------

**24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:**

(a) Administrative Support Services Program, Estimated.....	728,190
----------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	728,190
-----------------------------	---------

As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	728,190	728,190
---------------------------------------------------------	---------	---------

25. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated.....	2,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,000,000
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In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.

Total Registration of Voters.....	2,000,000	2,000,000
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26. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....	465,000
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SOURCE OF FUNDS:

(1) State General Fund.....	465,000
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As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.

Total Removal of Prisoners.....	465,000	465,000
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27. STATE GENERAL FUND,
ESTIMATED:

55,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund
Transfer, Estimated.....

55,000,000

All income other than income realized
on sale of Trust Fund assets and
not otherwise appropriated herein.

Total State General Fund, Estimated...

55,000,000 55,000,000

2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:1. General Obligation Capital Improve-
ment Bonds, Series B, Estimated....

1,442,500

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,442,500

Total General Obligation Capital
Improvement Bonds, Series B,
Estimated.....

1,442,500 1,442,500

2. General Obligation Waterway
Refunding Bonds, Series 1992,
Estimated.....

2,914,477

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 2,914,477

Total General Obligation Waterway
Refunding Bonds, Series 1992,
Estimated.....

2,914,477 2,914,477

3. General Obligation Docks Fa-
cilities Bonds, Series C,
Estimated.....

1,536,750

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,536,750

Total General Obligation Docks
Facilities Bonds, Series C,
Estimated.....

1,536,750 1,536,750

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4. Music Hall of Fame Bonds, Estimated.....	349,245
------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	349,245
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Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.

Total Music Hall of Fame Bonds, Estimated.....	349,245	349,245
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5. Corrections Institutions Bonds, Estimated.....	1,399,000
------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,399,000
----------------------------------------	-----------

Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special Session.

Total Corrections Institutions Bonds, Estimated.....	1,399,000	1,399,000
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6. General Obligation Capital Bonds, 1990 Series, Estimated.....	1,924,605
---------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,924,605
----------------------------------------	-----------

Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session.

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,924,605	1,924,605
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7. General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993 Estimated.....	53,562,852
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SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 53,562,852

Total General Obligation Refunding
Bonds, 1992, Series A and B, and
Refunding Bonds, Series 1993,
Estimated.....53,562,852

53,562,852

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 10. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. This Act shall become effective October 1, 1994.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 7.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams and Zoghby.

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Nay:

Representatives Fuller, Gaines, Hall (A), Holley, Mikell, Sanderson and Walker.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 172 As Substituted on Page 31, line 24 by adding the following sentence: "Of the above appropriations, \$300,000 shall be paid into the Teachers' Retirement System on behalf of Community Action Agency personnel."

MOTION TO TABLE LOST

The motion offered by Representative Freeman to table the amendment reported by the Standing Committee on Ways and Means to the bill, H. 172, as amended, was lost.

Yeas 31; Nays 44.

Yea:

Representatives Anderson, Biddle, Black (M), Butler, Carns, Carter, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hamilton, Haney, Hawkins, Holladay, Kvalheim, Laird, Layson, McClain, McDowell, Morrow, Newton (D), Payne, Perdue, Petelos, Sanderford, Sanderson, Spratt, Turnham and Williams.

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Nay:

Mr. Speaker, Barnes, Beasley, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Goodwin, Hammett, Harper, Haynes, Hill, Hilliard, Hogan, Johnson, Kennedy, Lindsey, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Penry, Poole, Richardson, Smith (R), Starkey, Venable, Warren, White and Zoghby.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, and the committee amendment was adopted.

Yeas 69; Nays 12.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Goodwin, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper,

Johnson, Kennedy, Knight (A), Kvalheim, Laird, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Poole, Richardson, Rogers (J), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-69

Nay:

Representatives Anderson, Black (M), Butler, Carter, Ford, Freeman, Fuller, Hall (A), Haney, Morrow, Sanderford and Williams.

-12

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Laird intended to vote "Nay" on the motion offered by Representative Freeman to table the amendment reported by the Standing Committee on Ways and Means to the bill, H. 172, as amended.

AMENDMENT OFFERED

Representative Harper offered the following amendment #1 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 91 on lines 20, 22, and 23 by striking the figure "5,500,000" and inserting in lieu thereof the figure "5,000,000".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 87; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-87

Nay:

Representatives Bowling, Freeman, Hall (A) and Holley.

- 4

AMENDMENT OFFERED

Representative Harper offered the following amendment #2 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 12 by striking on line 23 the figure "2,600,000" and inserting in lieu thereof the figure "1,600,000".

Further amend the bill on page 12 line 25 and on page 13 line 3 by striking the figure "10,091,595" and inserting in lieu thereof the figure "9,091,595".

Further amend the bill on page 13 line 3 by striking the figure "22,218,163" and inserting in lieu thereof the figure "21,218,163".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 54; Nays 40.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Flowers, Ford, Gullatt, Hall (L), Harper, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, McClain, McDowell, McKee, McMillan, Melton, Newton (C), Page, Parker (T), Payne, Penry, Poole, Rockhold, Rogers (J), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Willis and Zoghby.

-54

Nay:

Mr. Speaker, Black (M), Burke, Butler, Collins, Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Holley, Laird, Layson, Letson, Lindsey, Mathis, Millican, Morrow, Morton, Newton (D), Parker (P), Petelos, Powell, Richardson, Sanderford, Sanderson, Smith (C), Warren, White and Williams.

-40

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Gullatt intended to vote "Nay" on adoption of the amendment #2 relating to the bill, H. 172, as amended.

AMENDMENT OFFERED

Representative Harper offered the following amendment #3 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 83 by striking on lines 26 and 31 the figure "4,942,309" and inserting in lieu thereof the figure "4,742,309".

Further amend the bill on page 83 by striking on lines 28 and 31 the figure "1,840,733" and inserting in lieu thereof the figure "1,640,733".

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 80; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Perry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-80

Nay:

Representatives Bowling and White.

- 2

AMENDMENT OFFERED

Representative Harper offered the following amendment #4 to the bill, H. 172, as amended:

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Amend House Bill 172 as substituted on page 61 on lines 23, 25, and 26 by striking the figure "250,000" and inserting in lieu thereof the figure "1,250,000".

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 55; Nays 37.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Box, Bryant, Burke, Buskey, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Fuller, Gaines, Gaston, Goodwin, Hall (L), Harper, Harvey, Hawkins, Hill, Hilliard, Hooper, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, McClain, McDowell, McMillan, Morton, Newton (D), Page, Parker (P), Perdue, Petelos, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Warren, White, Willis and Zoghby.

-55

Nay:

Representatives Black (M), Bowling, Butler, Cagle, Carns, Carothers, Carter, Collins, Flowers, Ford, Freeman, Gullatt, Hall (A), Hamilton, Hammett, Haney, Haynes, Hogan, Holladay, Holley, Johnson, Knight (A), Layson, Mathis, McKee, Mikell, Millican, Morrow, Parker (T), Payne, Penry, Poole, Powell, Sanderford, Venable, Walker and Williams.

-37

AMENDMENT OFFERED

Representative Harper offered the following amendment #5 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 80 by adding after line 20 the following:

"(k) Transfer to Amtrak.....	1,300,000
(l) Transfer to Capital Outlay.....	37,902"

Further amend the bill on page 80 after line 22 by adding a new (2) and (3) as follows and by renumbering accordingly:

"(2) State General Fund-Amtrak.....	1,300,000
(3) State General Fund-Capital Outlay	37,902"

Further amend the bill on page 83, line 13 by striking the figures "170,000" and "752,188,613" and inserting in lieu thereof the figures "1,507,902" and "753,526,515" respectively.

Further amend the bill on page 83 by striking in their entirety lines 14 through 24.

Further amend the bill on page 83 after line 13 by adding the following:

"The General Fund Capital Outlay amount of \$37,902 shall be used to match federal funds to renovate the Little White House of the Confederacy."

AMENDMENT ADOPTED

And the amendment #5 was adopted.

Yeas 83; Nays 9.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-83

Nay:

Representatives Bowling, Flowers, Hall (A), Haynes, Holladay, Holley, Johnson, Layson and Williams.

- 9

AMENDMENT OFFERED

Representative Harper offered the following amendment #6 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 48 by striking lines 18 through 22 in their entirety and inserting in lieu thereof the following: "50,000, \$2,000."

Further amend the bill on page 48 line 2 by striking the figure "455,764,482" and inserting in lieu thereof the figure "453,571,667".

Further amend the bill on page 48 line 24 by striking the figure "40,314,169" and inserting in lieu thereof the figure "38,121,354".

Further amend the bill on page 49 line 12 by striking the figures "40,314,169" and "455,764,482" and inserting in lieu thereof the figures "38,121,354" and "453,571,667" respectively.

Further amend the bill on page 90 lines 17 and 19 and on page 91 on line 17 by striking the figure "1,100,000" and inserting in lieu thereof the figure "3,292,815".

AMENDMENT ADOPTED

And the amendment #6 was adopted.

Yeas 71; Nays 14.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Blakeney, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Lindsey, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Warren, White and Willis.

-71

Nay:

Representatives Biddle, Bowling, Clark (W), Hall (A), Holladay, Holley, Knight (J), Laird, Parker (P), Payne, Poole, Walker, Williams and Zoghby.

-14

AMENDMENT OFFERED

Representative Harper offered the following amendment #7 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 4, line 26 by deleting the "period" and adding the following: "and (4) \$55,000 shall be expended for the national conference in Birmingham of the National Black Caucus of State Legislatures."

AMENDMENT ADOPTED

And the amendment #7 was adopted.

Yeas 84; Nays 5.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-84

Nay:

Representatives Bowling, Hall (A), Holley, Johnson and Payne.

- 5

AMENDMENT OFFERED

Representative Fuller offered the following amendment #1 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 25, line 20 by striking the figure "131,668,334" and inserting in lieu thereof the figure "138,668,334".

Further amend the bill on page 26, line 11 by striking the figures "131,668,334" and "156,848,335" and inserting in lieu thereof the figures "138,668,334" and "163,848,335" respectively.

Further amend the bill on page 25, line 8 by striking the figure "9,802,145" and inserting in lieu thereof the figure "10,241,045" and on line 10 by striking the figure "129,325,257" and inserting in lieu thereof the figure "135,121,817" and on line 12 by striking the figure "17,045,933" and inserting in lieu thereof the figure "17,809,633".

Further amend the bill on page 69, lines 7 and 31 by striking the figure "41,992,212" and inserting in lieu thereof the figure "43,992,212".

Further amend the bill on page 69, line 31 by striking the figure "56,750,146" and inserting in lieu thereof the figure "58,750,146".

Further amend the bill on page 69, line 2 by striking the figure "27,676,233" and inserting in lieu thereof the figure "28,651,604".

Further amend the bill on page 69, line 4 by striking the figure "11,067,057" and inserting in lieu thereof the figure "11,457,084".

Further amend the bill on page 69, line 5 by striking the figure "18,006,856" and inserting in lieu thereof the figure "18,641,458".

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment offered by Representative Fuller to the bill, H. 172, as amended, was lost.

Yeas 27; Nays 63.

Yea:

Representatives Anderson, Barnes, Burke, Buskey, Campbell, Clark (W), Drake, Flowers, Goodwin, Hall (L), Harper, Harvey, Hill, Holladay, Holmes, Hooper, Knight (J), Letson, Mathis, McKee, Millican, Newton (C), Page, Parker (T), Rogers (J), Turnham and Zoghby.

-27

Nay:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hilliard, Hogan, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, McMillan, Melton, Mikell, Morrow, Morton, Parker (P), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, White, Williams and Willis.

-63

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Butler and Zoghby intended to vote "Nay" on the motion offered by Representative Harper to table the amendment #1 offered by Representative Fuller to the bill, H. 172, as amended.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

Also:

H.J.R. 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

Also:

H.J.R. 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

Also:

H.J.R. 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

Also:

H.J.R. 11. COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

Also:

H.J.R. 12. COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

Also:

H.J.R. 13. COMMENDING SHANE CLACK OF VINA HIGH SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

Also:

H.J.R. 14. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

Also:

H.J.R. 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY

Also:

H.J.R. 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

Also:

H.J.R. 17. MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

Also:

H.J.R. 18. MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

Also:

H.J.R. 19. MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 20. MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

Also:

H.J.R. 21. COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 22. COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

Also:

H.J.R. 31. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 172 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Representative Fuller to the bill, H. 172, as amended, and the amendment #1 was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

AMENDMENT OFFERED

Representative Fuller offered the following amendment #2 to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 76, line 10 by deleting the figure "1,342,199" and inserting in lieu thereof the figure "1,430,805".

Further amend the bill on lines 21 and 27 by deleting the figure "1,177,199" and inserting in lieu thereof the figure "1,265,805".

Further amend the bill on line 27 by deleting the figure "1,347,199" and inserting in lieu thereof the figure "1,435,805".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 77; Nays 5.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Blakeney, Bryant, Burke, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, Melton, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-77

Nay:

Representatives Anderson, Dolbare, Gaines, Letson and Sanderson.

- 5

AMENDMENT OFFERED

Representative Fuller offered the following amendment #3 to the bill, H. 172, as amended:

Amend House Bill 172 on Page 45 line 31 and on Page 46 lines 2 and 4 by deleting the Figure "139,035" and inserting in-lieu thereof the Figure "149,500"

AMENDMENT LOST

And the amendment #3 was lost.

Yeas 28; Nays 45.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Carothers, Clark (W), Cosby, Flowers, Fuller, Gaston, Goodwin, Gullatt, Hammett, Harper, Haynes, Hilliard, Kennedy, Kvalheim, Laird, Newton (C), Newton (D), Penry, Rockhold, Spratt, Turnham, Venable, Williams and Zoghby.

-28

Nay:

Representatives Anderson, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Campbell, Carns, Carter, Curry, Dolbare, Drake, Gaines, Hall (L), Hamilton, Haney, Harvey, Hawkins, Hill, Holladay, Holley, Johnson, Knight (A), Layson, Letson, Mathis, McClain, Melton, Millican, Morrow, Morton, Page, Parker (P), Payne, Petelos, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Warren and White.

-45

AMENDMENT OFFERED

Representative Mathis offered the following amendment to the bill, H. 172, as amended:

Amend House Bill 172 as substituted as follows: On page 32, line 17 strike the figure "1,739,417" and insert in lieu thereof the figure "1,870,341"; on line 21 strike the figure "1,780,651" and insert in lieu thereof the figure "1,911,575"; on lines 15 and 21 strike the figure "4,436,839" and insert in lieu thereof the figure "4,567,763".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-86

Nay:

Representative Dolbare.

- 1

AMENDMENT OFFERED

Representative Smith (R) offered the following amendment to the bill, H. 172, as amended:

Amend House Bill 172 as substituted on page 13 by inserting the following after line 13 and renumbering the remaining subsections accordingly:

*10. AIRPORT AUTHORITY, ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program	90,024
-------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund	90,024	
(2) Federal Funds		
<hr/>		
Total Alabama International Airport Authority	90,024	90,024"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 14.

Yea:

Mr. Speaker, Barnes, Burke, Cagle, Carns, Carter, Clay, Crow, Curry, Flowers, Ford, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Laird, Lindsey, McClain, McDowell, McKee, McMillan, Mikell, Page, Richardson, Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White and Willis.

-46

Nay:

Representatives Anderson, Beasley, Black (M), Bowling, Campbell, Dolbare, Freeman, Gaines, Hall (A), Holley, Mathis, Parker (P), Payne and Sanderson.

-14

AMENDMENT OFFERED

Representative Anderson offered the following amendment to the bill, H. 172, as amended:

On page 83, after line 12, add the following language: From the above funds a turn lane shall be constructed on U.S. Highway 31 South in Decatur, in Morgan County in front of Jerry Young Mobile Home Sales.

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Anderson to the bill, H. 172, as amended, was tabled.

Yeas 55; Nays 17.

Yea:

Representatives Beasley, Box, Bryant, Burke, Campbell, Carns, Carothers, Clay, Crow, Cullins, Curry, Drake, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Harper, Harvey, Hawkins, Hilliard, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Mathis, McKee, McMillan, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Poole, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-55

Nay:

Representatives Anderson, Black (M), Bowling, Butler, Cagle, Carter, Dolbare, Ford, Freeman, Goodwin, Hall (A), Hill, Letson, Millican, Morrow, Parker (P) and Petelos.

-17

AMENDMENT OFFERED

Representative White offered the following amendment #1 to the bill, H. 172, as amended:

To amend H. 172 as substituted on page 46 line 18 by deleting line 17 and 18 in their entirety.

Further amend the bill on page 46 line 11 by deleting the figure "4,269,826" and inserting in lieu thereof the figure "3,471,334"

Further amend the bill on page 47, line 21 by deleting the figures "2,272,767" and "4,311,815" and inserting in lieu thereof the figures "1,474,275" and "3,513,323" respectively.

AMENDMENT TABLED

On motion of Representative Zoghby, the amendment #1 offered by Representative White to the bill, H. 172, as amended, was tabled.

Yeas 48; Nays 14.

Yea:

Representatives Anderson, Beasley, Black (M), Box, Buskey, Cagle, Clark (W), Crow, Curry, Drake, Gaines, Gaston, Goodwin, Gullatt, Hammett, Harper, Harvey, Hawkins, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McKee, Mikell, Morton, Newton (C), Page, Parker (P), Parker (T), Petelos, Powell, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Turnham, Venable, Williams, Willis and Zoghby.

-48

Nay:

Representatives Barnes, Butler, Dolbare, Freeman, Hall (A), Haney, Haynes, Hill, Johnson, McMillan, Melton, Morrow, Warren and White.

-14

AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, H. 172, as amended:

Amend H. 172 as Sub on page 39 line 28 and 24 by striking "11,441,975" and inserting in lieu thereof the figure "12,474,757"

Further amend on line 21, strike "23,504,353" and insert "24,537,135".

Further amend on line 28 by striking "24,023,853" and insert "25,056,635"

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Laird to the bill, H. 172, as amended, was tabled.

Yeas 41; Nays 31.

Yea:

Representatives Anderson, Bowling, Box, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Curry, Drake, Flowers, Ford, Freeman, Gaines, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Kennedy, Knight (A), Letson, Mathis, McClain, McKee, Millican, Morton, Newton (D), Parker (P), Perdue, Petelos, Rogers (J), Sanderson, Thomas, Turnham and Venable.

-41

Nay:

Representatives Barnes, Beasley, Biddle, Bryant, Carns, Crow, Cullins, Fuller, Gaston, Hall (A), Hamilton, Hammett, Haney, Holladay, Holley, Hooper, Kvalheim, Laird, Layson, Melton, Mikell, Morrow, Newton (C), Payne, Richardson, Sanderford, Smith (C), Warren, White, Williams and Willis.

-31

AMENDMENT OFFERED

Representative White offered the following amendment #2 to the bill, H. 172, as amended:

Amend House Bill 172 on page 46, after line 17 by inserting the following: "The above appropriation to the Historical Commission shall not be released until such time that all funds available to the Historical Commission from the Transco settlement have been expended."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 58; Nays 7.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Bowling, Box, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Hall (A), Haney, Harper, Harvey, Haynes, Hill, Hilliard, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Payne, Penry, Rockhold, Rogers (J), Spratt, Starkey, Thomas, Turnham, Warren and White.

-58

Nay:

Representatives Beasley, Hawkins, Layson, Mikell, Petelos, Sanderson and Willis.

- 7

MOTION TO CARRY OVER TABLED

On motion of Representative Harper, the motion offered by Representative Payne to carry over the bill, H. 172, as amended, to the fifth legislative day was tabled.

Yeas 79; Nays 12.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Powell, Richardson, Rockhold, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-79

Nay:

Representatives Anderson, Biddle, Carns, Gaines, Hall (A), Haney, Holley, Knight (A), Payne, Poole, Sanderson and Spratt.

-12

And the bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 20.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDowell, Melton, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Richardson, Rockhold, Rogers (J), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-78

Nay:

Representatives Biddle, Blakeney, Carns, Gaines, Hall (A), Haney, Hawkins, Holley, Mathis, McKee, McMillan, Mikell, Morrow, Payne, Petelos, Poole, Powell, Sanderford, Sanderson and Smith (C).

-20

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Carter, the Budget Isolation Resolution and the bill, H. 58, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 100, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harper, the Budget Isolation Resolution and the bill, H. 91, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 173, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, McDaniel, McDowell, McKee, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Williams, Willis and Zoghby.

-69

And the bill:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Clark (W), Collins, Crow, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Willis and Zoghby.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 176, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Willis and Zoghby.

-64

And the bill:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Venable, Willis and Zoghby.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 177, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Williams, Willis and Zoghby.

-76

And the bill:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Warren, Williams, Willis and Zoghby.

-74

Nay:

Representative Walker.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Walker intended to vote "Yea" on the passage of the bill, H. 177.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 178, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-81

And the bill:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Zoghby offered the following amendment #1 to the bill, H. 178:

Amend H. 178 on page 1 by striking lines 24 and 25 and inserting in lieu thereof the following: "hundred forty-nine thousand one hundred twelve dollars (\$349,112)

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Zoghby to the bill, H. 178, was tabled.

Yeas 45; Nays 20.

Yea:

Representatives Anderson, Biddle, Black (M), Bowling, Box, Burke, Butler, Carns, Carter, Clay, Collins, Cosby, Crow, Dolbare, Drake, Ford, Gaines, Goodwin, Gullatt, Hamilton, Hammett, Harper, Hawkins, Haynes, Hogan, Holladay, Hooper, Kennedy, Letson, Lindsey, McKee, McMillan, Mikell, Morrow, Morton, Page, Payne, Penry, Sanderford, Sanderson, Thomas, Venable, Warren, Williams and Willis.

-45

Nay:

Mr. Speaker, Beasley, Cagle, Carothers, Freeman, Gaston, Hall (A), Hall (L), Haney, Hill, Knight (A), Kvalheim, Mathis, McDowell, Newton (C), Parker (P), Poole, Rockhold, Starkey and Zoghby.

-20

AMENDMENT OFFERED

Representative Zoghby offered the following amendment #2 to the bill, H. 178:

Amend House Bill 178 on page 1, after line 25 by inserting the following new Section 2 and renumbering all subsequent sections accordingly: "Section 2. There is hereby appropriated \$24,438 to the Coalition Against Domestic Violence from the State General Fund to be conditioned on the availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-79

And the bill, H. 178, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 179, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, Williams, Willis and Zoghby.

-71

And the bill:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 180, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-76

And the bill:

H. 180. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 181, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-77

And the bill:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 182, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-76

And the bill:

H. 182. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 184, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-79

And the bill:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Warren, Williams and Willis.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 185, was adopted.

Yeas 64; Nays 0.

Yea:

Representatives Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Campbell, Carns, Carothers, Carter, Clay, Cosby, Cullins, Curry, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams and Zoghby.

-64

And the bill:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

-74

Nay:

Representative Dolbare.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 186, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Venable, Williams, Willis and Zoghby.

-73

And the bill:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Venable, Williams, Willis and Zoghby.

-72

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative McDowell intended to vote "Yea" on passage of the bill, H. 186.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 187, was adopted.

Yeas 68; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Bowling, Box, Burke, Buskey, Butler, Cagle, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-68

And the bill:

H. 187. (With Substitute): To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Warrior-Tombigbee Development Association from the State General Fund the sum of \$49,933.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-73

And the bill, H. 187, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow,

Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-75

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harper, the Budget Isolation Resolution and the bill, H. 189, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 190, was adopted.

Yeas 71; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-71

And the bill:

H. 190. To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 191, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-74

And the bill:

H. 191. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 192, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-74

And the bill:

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

**REGULAR SESSION
3rd Day**

335

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 208, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-78

And the bill:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-74

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Rockhold intended to vote "Yea" on passage of the bill, H. 192.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 219, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-70

And the bill:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative McDowell offered the following amendment to the bill, H. 219:

Amend H. 219 on page 1 after line 24 by adding the following: "In addition to the above appropriation, there is hereby appropriated from the State General Fund for the fiscal year ending Sept. 30, 1995 the amount of \$221,000 to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-76

And the bill, H. 219, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren, Williams and Willis.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 229, was adopted.

Yeas 70; Nays 4.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-70

Nay:

Representatives Anderson, Fuller, Payne and Smith (C).

- 4

And the bill:

H. 229. To propose an amendment to the Constitution of Alabama of 1901 which will give the Legislature the power to grant to the Governor the authority to reduce appropriations made by the Legislature to any agency, board, department, commission, bureau or institution in any branch of government when a determination is made by the Governor that funds will not be available to meet the appropriations duly enacted by the Legislature.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 4.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Burke, Butler, Cagle, Carns, Carothers, Carter, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T),

Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-70

Nay:

Representatives Anderson, Fuller, Holladay and Payne.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 230, was adopted.

Yeas 73; Nays 6.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-73

Nay:

Representatives Anderson, Black (M), Fuller, Holladay, Payne and Smith (C).

- 6

And the bill:

H. 230. (With Substitute): To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and courts under the Judicial Branch of Government among those entities subject to proration.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and entities under the Judicial Branch of Government among those entities subject to proration.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Code of Alabama 1975, Section 41-4-90 is hereby amended to read as follows:

"§41-4-90.

"No appropriations made by the legislature shall be available for expenditures until allotted as provided for in section 41-4-91. All appropriations, except per capita appropriations now in force or hereafter made to eleemosynary and correctional institutions and the Alabama School for the Deaf and Blind, located at Talladega, Alabama, which appropriations shall remain in full force and effect and be payable and disbursed as now provided by law, are hereby declared to be maximum, conditional and proportionate appropriations, the purpose being to make appropriations payable in full in the amounts named only in the event that the estimated budget resources during each budget year of the period are sufficient to pay all of the appropriations for such year in full. The governor shall restrict allotments to prevent an overdraft or deficit in any fiscal year for which appropriations are made by prorating without discrimination against any department, board, bureau, commission, agency, office or institution of the state, including all agencies and entities under the Judicial Branch of Government, the available revenues among the various departments, boards, bureaus, commissions, agencies, offices and institutions of the state. In other words, said appropriations shall be payable in such proportion as the total sum of all appropriations bears to the total revenues estimated by the department of finance as available in each of said fiscal years. The purpose of this provision is to insure that there shall be no overdraft or deficit in the several funds of the state at the end of any fiscal year, and the governor is directed and required so to administer this article to prevent any such overdraft or deficit."

Section 2. This act shall become effective immediately upon its passage or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 5.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-70

Nay:

Representatives Anderson, Black (M), Fuller, Holladay and Payne.

- 5

And the bill:

H. 230. To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and entities under the Judicial Branch of Government among those entities subject to proration.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 6.

Yea:

Mr. Speaker, Beasley, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-69

Nay:

Representatives Anderson, Black (M), Fuller, Holladay, Payne and Smith (C).

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 234, was adopted.

Yeas 53; Nays 18.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Burke, Butler, Cagle, Campbell, Carothers, Carter, Collins, Cosby, Cullins, Curry, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Haynes, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (R), Starkey, Turnham, Venable and Zoghby.

-53

Nay:

Representatives Anderson, Biddle, Carns, Clark (W), Crow, Fuller, Hawkins, Hill, Holladay, Holley, Knight (A), McKee, Payne, Petelos, Sanderson, Walker, Williams and Willis.

-18

And the bill:

H. 234. (With Substitute): To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for an additional penalty for the late payment of ad valorem taxes; to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund; to provide for specific appropriations from the proceeds of said penalty and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In addition to any penalty imposed by law for the late payment of ad valorem taxes, there shall be imposed a penalty in the amount of one dollar (\$1) for each day the taxes are delinquent.

(b) The additional penalty imposed by this act for the late payment of any ad valorem taxes shall be administered and collected in the same manner as ad valorem taxes and the costs, fees, and interest on delinquent ad valorem taxes are collected.

Section 2. The proceeds of the additional penalty on delinquent ad valorem taxes imposed by this act, less five percent administrative costs to be retained by each county, shall be deposited to the credit of the State Park Fund. The distribution of the first proceeds generated for the State Park Fund from the penalty imposed in this act shall be distributed as follows:

- a. Tannehill Historical State Park
- b. Old Cahaba Historic State Park
- c. Historic Blakeley Authority

After the above distribution, the balance of said proceeds shall be allotted as are other funds in the State Park Fund. The above state parks appropriations are in addition to any other allotments to the state parks listed above and are not intended to supplant other allotments.

Section 3. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or its otherwise becoming a law.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 234, and the pending committee substitute were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 248, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-75

And the bill:

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 253, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-73

And the bill:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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H. 234 AGAIN TAKEN UP

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, and the committee substitute was adopted.

Yeas 46; Nays 20.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Burke, Butler, Campbell, Carns, Carothers, Clay, Collins, Cullins, Curry, Flowers, Goodwin, Hall (A), Hammett, Haney, Harper, Hawkins, Haynes, Holladay, Hooper, Johnson, Kennedy, Lindsey, Mathis, McDaniel, McDowell, McKee, Millican, Morrow, Newton (C), Page, Penry, Powell, Richardson, Sanderford, Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren and Zoghby.

-46

Nay:

Representatives Buskey, Dolbare, Freeman, Fuller, Gaines, Gaston, Hamilton, Hogan, Holley, Kvalheim, Laird, Layson, Mikell, Morton, Payne, Petelos, Poole, Sanderson, Williams and Willis.

-20

AMENDMENT OFFERED

Representative Harper offered the following amendment to the bill, H. 234, as amended:

To amend the substitute to H. 234 on page 2 by striking lines 25 and 26 and on page 3 by striking line 1 and by inserting the following:

- "a. Tannehill Historical State Park.....100,000
- b. Old Cahaba Historic State Park.....100,000
- c. Historic Blakely Authority.....100,000"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 14.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Butler, Campbell, Carothers, Collins, Crow, Cullins, Curry, Flowers, Freeman, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Haynes, Hill, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-62

Nay:

Representatives Cagle, Carns, Dolbare, Fuller, Gaines, Hawkins, Hogan, Holley, Laird, McKee, Mikell, Smith (R), Walker and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

Also:

H.J.R. 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

Also:

H.J.R. 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

Also:

H.J.R. 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

Also:

H.J.R. 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

Also:

H.J.R. 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representatives Penry and McMillan:

H.J.R. 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

WHEREAS, herein noted are the many outstanding accomplishments of Sue Emmett during her distinguished career as a teacher for 25 years in assignments at Fairhope Exceptional School, Point Clear School, the Magnolia Springs School, and Foley High School, in Baldwin County, Alabama; and

WHEREAS, Ms. Emmett, who attended Troy State University, received both her B.S. and Master's degrees from the University of South Alabama and, over the course of her tenure, earned the highest regard of her peers, and of the parents of the many special needs students whom she taught, and befriended through the years; and

WHEREAS, Sue Emmett, for the past two and one-half decades, has been a driving force in the challenge of educating the county's special needs children and, through her dedicated efforts, they have indeed excelled, with many becoming productive members of society, while others continue to learn self-sufficiency in other programs; and

WHEREAS, in gratitude for her contributions and many successes in the area of special education, Ms. Emmett has received many honors including Foley High School Nominee for Teacher of the Year (1991), inclusion in Delta Kappa Gamma Honor Society of Women Educators, and the Alabama Spirit of Special Olympics Award (1993); and

WHEREAS, in South Baldwin County, there is the Magnolia Springs School, the Magnolia House in Foley, and the Magnolia Room at Foley High School, all of which are known as "A Special Place for Special Children," and then, there is Sue Emmett, "A Special Teacher for Special Children;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of her outstanding and dedicated response to the needs of special needs students in Baldwin County, we hereby most highly commend Sue Emmett, to whom a copy of this resolution shall be presented on February 6, 1994, with warm best wishes for every future success in life.

The resolution, H.J.R. 56, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Cosby and Hooper:

H.J.R. 57. PETITIONING THE U.S. CONGRESS TO CALL A CONSTITUTIONAL CONVENTION REGARDING UNFUNDED FEDERAL MANDATES.

WHEREAS, The Legislature hereby makes the following findings:

(A) The federal government has disproportionately burdened state governments with costly unfunded mandates in many different areas.

(B) These unfunded mandates have become an intolerable strain on the state budget.

(C) These unfunded mandates lead to more government than would come about if the federal government had to pay for the programs it required; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That pursuant to Article V of the Constitution of the United States, the Legislature of Alabama petitions the Congress of the United States of America, at its session, to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States to prohibit the federal government from reducing the federally financed proportion of the necessary costs of any existing activity or service required of the states by federal law, or from requiring a new activity or service or an increase in the level of an activity or service beyond that required of the states by existing federal law, unless the federal government pays for any necessary increased costs.

BE IT FURTHER RESOLVED, That if Congress adopts an amendment containing provisions similar in subject matter and content to that stipulated in this resolution, before 90 days after the Legislatures of the required two-thirds of the states have made applications to Congress, then this application for a convention shall no longer be of any force or effect.

RESOLVED FURTHER, That with the exception noted above, this resolution constitutes a continuing application to Congress in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made application for a convention to propose an amendment similar in subject matter and for the sole and exclusive purpose of addressing the subject matter as enumerated herein.

RESOLVED FURTHER, That this application shall be deemed null and void, rescinded, and of no effect in the event that a convention called pursuant to this resolution is not limited to the specific and exclusive purpose set forth herein.

BE IT FURTHER RESOLVED, That copies of this resolution shall be transmitted by the Clerk of the House of Representatives to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama delegation to the Congress, and printed copies shall be sent to each house of each state Legislature in the United States.

The resolution, H.J.R. 57, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Haynes:

H.R. 58. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representatives Turnham and Harper:

H.R. 59. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Representative Poole:

H.R. 60. COMMENDING MARY L. DAVIS OF TAYLORVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Cagle and Hogan:

H.J.R. 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

WHEREAS, in consensus of admiration and esteem, the Legislature of Alabama most highly commends James McDaniel of Nauvoo, Alabama, for outstanding achievement and community leadership; and

WHEREAS, Mr. McDaniel, one of his community's most prominent citizens, is a lifelong coal miner, a highly successful businessman, and is widely known for his influential involvement in political affairs; and

WHEREAS, as an active member of United Mine Workers of America, on both the local and statewide levels, James McDaniel is greatly admired and respected for his strong support of organized labor, and is looked to for leadership by his fellow workers who have great confidence in his ability to protect their interests; and

WHEREAS, Mr. McDaniel, as a successful businessman, is the owner of the Slick Lizard Smokehouse which has become famous throughout Walker County and Alabama, as well as in other states, for its mouth-watering barbecue and other traditional barbecue items on its menu; and

WHEREAS, also active in civic affairs, Mr. McDaniel is a member of the Lions Club and is a staunch supporter of numerous other civic programs and projects that impact favorably upon the good and well-being of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and leadership, we hereby most highly commend Mr. James McDaniel of Nauvoo, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

The resolution, H.J.R. 61, was read and referred to the Standing Committee on Rules.

H. 234 RESUMED

AMENDMENT OFFERED

Representative Willis offered the following amendment to the bill, H. 234, as amended:

To amend H. 234 as substituted on page 2 by adding after line 17 the following: "(c) Notwithstanding the penalty assessed in (a) above the penalty shall not exceed \$30 per parcel per year."

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment offered by Representative Willis to the bill, H. 234, as amended, was lost.

Yeas 28; Nays 41.

Yea:

Mr. Speaker, Beasley, Box, Butler, Campbell, Carothers, Carter, Clay, Collins, Cosby, Cullins, Gullatt, Hall (L), Hamilton, Hammett, Harper, Haynes, Holladay, Hooper, Kennedy, Mathis, Newton (C), Page, Parker (P), Rockhold, Starkey, Thomas and Zoghby.

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Nay:

Representatives Anderson, Biddle, Black (M), Blakeney, Burke, Buskey, Cagle, Carns, Clark (W), Crow, Dolbare, Fuller, Gaines, Gaston, Haney, Hawkins, Hill, Hogan, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, McKee, Mikell, Morton, Parker (T), Payne, Petelos, Poole, Sanderford, Sanderson, Smith (C), Smith (R), Venable, Walker, Warren, White, Williams and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Willis to the bill, H. 234, as amended, and the amendment was adopted.

Yeas 56; Nays 17.

Yea:

Mr. Speaker, Biddle, Blakeney, Box, Butler, Cagle, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Goodwin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hogan, Hooper, Johnson, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Beasley, Black (M), Burke, Campbell, Carothers, Clay, Collins, Gaston, Hammett, Harper, Harvey, Holladay, Kvalheim, Mathis, Starkey and Thomas.

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MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Payne offered the motion to indefinitely postpone the bill, H. 234, as amended.

MOTION TO ADJOURN LOST

The motion offered by Representative Payne that the House adjourn until 10:00 o'clock a.m., Thursday, January 20, 1994, was lost.

Yeas 38; Nays 38.

Yea:

Representatives Anderson, Biddle, Black (L), Blakeney, Cagle, Carns, Crow, Dolbare, Fuller, Gaines, Gaston, Hall (L), Hill, Holley, Holmes, Hooper, Knight (J), Laird, Layson, Letson, McDowell, McKee, McMillan, Mikell, Morton, Payne, Penry, Petelos, Poole, Sanderford, Sanderson, Smith (C), Smith (R), Walker, Warren, White, Williams and Willis.

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Nay:

Mr. Speaker, Beasley, Black (M), Burke, Buskey, Butler, Campbell, Carothers, Carter, Clark (W), Collins, Cosby, Cullins, Curry, Freeman, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, Morrow, Newton (C), Page, Parker (P), Powell, Rockhold and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Representative Clark (J):

H.J.R. 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

WHEREAS, the late David Carl "Davey" Allison was a true Alabama Sports Legend who not only made outstanding contributions to the sport of professional automobile racing, but also brought an uncommon amount of credit and honor to the State of Alabama as a result of his personal and professional excellence, and his unselfish commitment to social and humanitarian causes throughout the State; and

WHEREAS, Davey Allison began his auto racing career at Birmingham (Alabama) International Raceway on April 22, 1979, and won his first race at Birmingham on May 5, of that same year; and

WHEREAS, Davey Allison always emulated the proud, fiercely competitive tradition of racing's famous "Alabama Gang" led by his legendary father, Bobby, and eventually ascended to its leadership; and

WHEREAS, Davey Allison won his first NASCAR Winston Cup race at Talladega (Alabama) Superspeedway on May 3, 1987; became the only man in NASCAR Winston Cup history to win two races and five pole positions in his first season on the world's most competitive racing circuit; and was honored as the series' Rookie of the Year; and

WHEREAS, Davey Allison, in 191 races spanning only five complete NASCAR Winston Cup seasons, earned 19 victories, including the 1992 Daytona 500, to rank fifth among active drivers; became the only driver to win The Winston all star race two years in a row; was honored as 1992 Driver of the Year by the National Motorsports Press Association; and, earned numerous other honors and awards; and

WHEREAS, Davey Allison brought special honor to himself as Champion of the 1993 International Race of Champions series; and

WHEREAS, beyond the fiercely competitive and indomitable spirit of Davey Allison, there was a soul-deep belief in God, a heartfelt love for family and fans, a tireless devotion to his sport and its fans and an abiding kindness and compassion for all; and

WHEREAS, when the race was run, Davey Allison longed for Hueytown and his Alabama home, and the people of Alabama remain sorely bereft in the lamentable loss of a beloved native son; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life of David Carl "Davey" Allison, for his compassion for those in need, and for his selfless support and love for those less fortunate than he.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Davey Allison's family that they may know we sincerely share the sorrow of their great and grievous loss.

The resolution, H.J.R. 62, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:45 P.M. on January 18, 1994.

H.J.R. 2

H.J.R. 3

H.J.R. 7

H.J.R. 5

H.J.R. 6

H.J.R. 8

H.J.R. 9

H.J.R. 10

H.J.R. 11
H.J.R. 12
H.J.R. 13
H.J.R. 14
H.J.R. 15
H.J.R. 16
H.J.R. 17
H.J.R. 18
H.J.R. 19
H.J.R. 20
H.J.R. 21
H.J.R. 22
H.J.R. 31

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holley and pursuant to the resolution, H.R. 45, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, January 20, 1994.

Yeas 37; Nays 36.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Blakeney, Carns, Crow, Curry, Dolbare, Gaines, Hall (L), Haney, Hawkins, Hill, Hogan, Holley, Holmes, Hooper, Knight (J), Layson, Letson, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Penry, Poole, Sanderford, Smith (C), Smith (R), Starkey, Walker, Warren, Williams and Willis.

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Nay:

Mr. Speaker, Beasley, Black (M), Burke, Buskey, Butler, Campbell, Carothers, Carter, Clark (W), Collins, Cosby, Cullins, Flowers, Freeman, Gaston, Hall (A), Hamilton, Hammett, Harper, Harvey, Haynes, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Mathis, Morrow, Parker (P), Petelos, Powell, Sanderson, Turnham, Venable and Zoghby.

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FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, January 20, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Rusty Taylor, Frazier Memorial United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Beth Harrell, 6th Grade, D. A. Smith Middle School, Ozark, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Harvey, the reading at length of the Journal of the House for the third legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the third legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Biddle, leave of absence was granted for Representative Rogers (F).

Also:

At the request of Representative Rockhold, leave of absence was granted for Representative Turner.

H. 357 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 357, from the Standing Committee on Ways and Means to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 63. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 20, 1994, they adjourn to meet again on Tuesday, January 25, 1994.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 63, was adopted.

Also:

By Representative Campbell:

H.R. 64. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, January 20, 1994, we adjourn to meet again on Tuesday, January 25, 1994, at 1:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 64, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

On motion of Representative Harvey, the resolution, H.J.R. 62, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

On motion of Representative Harvey, the resolution, S.J.R. 4, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 47. HONORING THE LATE THOMAS C. MAHER AND
RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.**

On motion of Representative Harvey, the resolution, H.J.R. 47, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.R. 49. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF
THE SUPREME COURT RELATIVE TO SUPERNUMERARIES.**

On motion of Representative Harvey, the resolution, H.R. 49, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR
OUTSTANDING ACHIEVEMENT.**

On motion of Representative Harvey, the resolution, H.J.R. 50, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED
SERVICE TO AUBURN UNIVERSITY.**

On motion of Representative Harvey, the resolution, H.J.R. 53, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE OCCASION OF HER RETIREMENT.

On motion of Representative Harvey, the resolution, H.J.R. 54, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 55. HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

On motion of Representative Harvey, the resolution, H.J.R. 55, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

On motion of Representative Harvey, the resolution, H.J.R. 56, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

On motion of Representative Harvey, the resolution, H.J.R. 61, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 28. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

H. 77. To amend Section 16-7-2, Code of Alabama 1975, to provide further for the allowance for members of the Alabama Education Television Commission.

H. 84. To make a supplemental appropriation from the Physical Therapy Fund in the State Treasury to the Board of Physical Therapy for the fiscal year ending September 30, 1994.

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

H. 99. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 228. (With Amendment): Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 245. To amend Section 41-5-6, Code of Alabama 1975, relating to the powers and duties of the Chief Examiner of Public Account; to provide specific authorization to the chief examiner to contract for products and services, expend appropriations, and establish the duty requirements, positions, pay plan, and number of employees of the Department of Examiners of Public Accounts.

H. 246. To amend Section 41-5-21, Code of Alabama 1975, relating to sworn reports of the Examiners of Public Accounts, to subject the sworn reports to the deliberative process privilege.

H. 250. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Marion County Board of Registrars.

H. 282. To provide a credit for certain service in the determination of longevty payments pursuant to Section 36-6-11, Code of Alabama 1975.

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 345. (With Substitute): To amend Sections 40-12-240 and 40-12-264, Code of Alabama 1975, to add new definitions; to provide further for the number available and the fee payable for a demonstration tag; to provide for the creation of manufacturer tags, and levying a fee for manufacturer tags; to distribute proceeds of the fees; and to provide penalties for violations.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 369. To provide for the funding of the Alabama Tombigbee Regional Commission; for this purpose to make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Tombigbee Regional Commission for the fiscal year ending September 30, 1995; and to provide for the use of the funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 260. (With Amendments): To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 150. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 244. (With Amendment): To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 263. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 17. (With Substitute): To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 56. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bidding on public contracts, to provide further for preferences in certain contracts.

H. 111. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 301. (With Amendment): To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 398. Relating to Talladega College, granting certain persons employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 82. (With Amendment): Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

The above bill was read a second time at length as required by the Constitution.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 137. (With Substitute) (With Amendments): To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 331. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 343. (With Amendment): To amend Section 40-6A-2 of the Code of Alabama 1975, relating to the minimum compensation of county tax officials, to provide further for the compensation.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 70. (With Substitute): To require certain persons or entities to obtain a certification from the State Department of Public Health before conducting utilization reviews for covered medical insurance services.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 300. To amend Section 27-14-3 of the Code of Alabama 1975, to specify that charitable organizations have an insurable interest in the life of any individual under certain conditions and to provide that this act is declaratory of existing law.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 131. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

H. 338. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

H. 360. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 237. To prohibit the release of certain hunting dogs onto the land of another without written permission, from a public road or right of way; and to provide a penalty for violations.

H. 268. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

H. 314. To amend Section 9-8A-3 of the Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by certain members; and to provide for the replacement of a designee absent from three or more consecutive meetings without cause.

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

H. 412. Providing protection from certain unfair trade practices for certain producers of certain agricultural products; providing for accreditation of certain associations to bargain for contract negotiations for the producers; providing for mediation of contract disputes between producers and integrators by a mediation panel as provided for in the act; authorizing the Commissioner of Agriculture and Industries to administer and enforce this act using certain investigative powers and providing for certain criminal penalties and civil remedies for violations.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 121. (With Substitute): Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 305. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

H. 308. To propose an amendment to the Constitution of Alabama 1901 to protect the assets of the state insurance fund and the liability trust fund from being used, loaned, encumbered or diverted to or for any purpose other than the purposes for which the said trust funds were established by law.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Amendment): To provide for the use of safety belts by adults and children, with exceptions; to establish the "Alabama Safety Belt Use Act of 1994"; to provide for fines and punishment for violators; to repeal Sections 32-5B-1 to 32-5B-7, inclusive, Code of Alabama 1975, relating to the use of safety belts; and to provide for a delayed effective date.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 413. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state the value of which is diminished as a result of state and local governmental regulation; to provide that the state, as well as municipalities and counties, or other agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; and to provide for appropriate adjustments to appraised values for ad valorem tax purposes.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 8. To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

H. 337. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

Representative Gaston, Chairperson of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 293. To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 63. To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

The above bill was read a second time at length as required by the Constitution.

H. 134. Relating to Walker County; granting certain county employees a day of personal leave in lieu of the Mardi Gras holiday.

H. 135. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county and paid to the county for the purpose of providing an annual bonus to county employees.

H. 136. Relating to Walker County; to levy a tonnage fee for certain solid waste material dumped or deposited on or in any privately-owned solid waste landfill in the county; and to provide for the collection of the fee and the distribution of the proceeds of the fee.

H. 271. Relating to Walker County and the 14th Judicial Circuit, to amend Section 2 of Act No. 91-503, H. 1018 of the 1991 Regular Session (Act 1991, p. 892), by providing that hazardous duty pay shall be paid only to deputy sheriffs and jailers employed by and working under the direct supervision of the Sheriff of Walker County.

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

The above bill was read a second time at length as required by the Constitution.

H. 9. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

The above bill was read a second time at length as required by the Constitution.

H. 80. Relating to Calhoun County; providing that the Tax Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

H. 264. Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

H. 278. Relating to Calhoun County; clarifying that the governing body of Calhoun County has the authority, and expressly authorizing the governing body of Calhoun County, pursuant to general law, to approve or disapprove of any sites used for solid waste collection, transfer, or disposal or for any part of that process.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

H. 240. Relating to Mobile County; abolishing the Dauphin Island Park and Beach Board upon the creation of a municipal park and recreation board for the Town of Dauphin Island.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

The above bill was read a second time at length as required by the Constitution.

H. 405. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

TOMMY CARTER
Chairman

And the bill, H. 172, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 230. To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and entities under the Judicial Branch of Government among those entities subject to proration.

TOMMY CARTER
Chairman

And the bill, H. 230, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

Also:

H.J.R. 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

Also:

H.J.R. 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

Also:

H.J.R. 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

Also:

H.J.R. 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

Also:

H.J.R. 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

Also:

H.J.R. 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

Also:

S.J.R. 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

Also:

S.J.R. 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

Also:

S.J.R. 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Kvalheim and Gaston:

H.J.R. 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Dr. Hollis Wiseman who retired, December 1, 1993, following a long and distinguished career as director of the Neonatal Intensive Care Unit at the University of South Alabama Medical Center; and

WHEREAS, Dr. Wiseman, widely acclaimed as Mobile's "grandfather of neonatology," and a compassionate and unassuming man, is credited with saving the lives of thousands of critically ill premature babies over the years; and

WHEREAS, early in his career, the tiny premature baby weighing less than 2 pounds, 3 ounces, almost never survived; however, with the neonatal revolution of the 1960's and the introduction of IV's and ventilators suitable for babies, more than 95% survived, and even those weighing as little as 1 pound, 2 ounces, were also being saved; and

WHEREAS, in 1967, Dr. Wiseman established and developed the 37-station Neonatal Intensive Care Unit at USA which serves a 14-county area, and provides care for as many as 70 neonates at one time; he also established the area's only neonatal transport service whereby countless high risk infants could be transported to the unit from within a 150-mile radius of Mobile; and

WHEREAS, a native of Mobile, and one of only 100 recipients of an International Rotary Fellowship in 1954, Dr. Wiseman practiced at Children's Hospital at the University of Zurich, Switzerland, before returning to Mobile to practice medicine and, on two occasions, to serve as a volunteer with Project Hope in Brazil and Egypt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement and in recognition of outstanding professional achievement and service to the Mobile community and the state, we hereby most highly commend Dr. Hollis Wiseman, for whom a copy of this resolution of sincere regard and best wishes for the future shall be provided.

The resolution, H.J.R. 65, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Johnson, Kennedy and McClain:

H.J.R. 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

WHEREAS, the Legislature of Alabama, in a desire to accord due praise to Alabamians of distinction, we hereby commend Mrs. Mary S. Porter Hale of Sylacauga, Alabama, for her longtime service and support of numerous civic, political and religious affairs; and

WHEREAS, Mrs. Hale, a retired teacher with 44 years of service to education in Alabama, currently serves as captain of Precinct 12, which was voted the top precinct of the Alabama Democratic Conference (ADC) in the state; and

WHEREAS, in leadership of said precinct, Mrs. Hale has rendered invaluable support to ADC, and to the local county chapter of T.C.D.C.; and

WHEREAS, Mrs. Hale, in further dedicated involvement, support and service, is also active in political affairs, having served as local campaign manager for the Honorable Glen Browder, Johnny Ford, Dan Cleckler and John Carter, and is vice-chairperson of A.D.C., District 3; and

WHEREAS, in religious activities, Mrs. Hale is a member of Cross Key Missionary Baptist Church in Goodwater, and is state secretary of the Spiritual Singers Association, U.S.A., Inc.; and

WHEREAS, Mrs. Hale is a graduate of Coosa County Training School in College Grove, Alabama, Alabama A&M University in Huntsville, and has studied additionally at Montevallo, Auburn, Florence State, and the University of Alabama; and

WHEREAS, in recognition of outstanding leadership in various areas of concern to the citizens of Alabama, Mrs. Hale has received numerous awards, and it is with great pleasure that the Legislature also pays tribute to her on-going leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Mary Sue Porter Hale of Sylacauga, Alabama, and do further direct that she receive a copy of this resolution of sincere warm praise and regard.

The resolution, H.J.R. 66, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson:

H.J.R. 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

WHEREAS, the Alabama Legislature strongly intends that any appropriation allocated to a state two-year postsecondary institution based on a formula based on credit hours taught is earned by any state two-year postsecondary institution upon the teaching of the credit hours; and

WHEREAS, the Alabama Legislature further intends that in the event a two-year postsecondary institution later discontinues a program for which an allocation was already earned, any appropriation allocation should be available to be redistributed by the institution to any other program or activity at the discretion of the institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expressly declares that it is the intent of the Legislature that any allocation of any appropriation to any two-year postsecondary institution based on a formula for credit hours taught is earned when the credit hours are taught and, in the event the program is later discontinued, any appropriation allocation based on credit hours already taught may be redistributed by the institution to any other program or activity at the institution at the discretion of the institution.

The resolution, H.J.R. 67, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 68. PROVIDING FOR FISCAL ACCOUNTABILITY IN EDUCATION.

WHEREAS, the method of funding public classroom education by the Alabama Legislature has been ruled unconstitutional and the Legislature has been directed by court order to equitably and adequately fund public classroom education; and

WHEREAS, Alabama has one institution for higher education beyond high school for each 70,000 citizens of the state compared to the average ratio of one institution for higher education beyond high school for each 140,000 citizens in the fifteen-state southeastern region and the Legislature recognizes that many colleges have over-lapping territorial environments and duplication of academic offerings and the extraordinary number of institutions represents an unwise and unnecessary expenditure of state funds; and

WHEREAS, there are 129 public school systems currently operating in the 67 counties of Alabama, the high number of public classroom school systems represents an unwise and unnecessary expenditure of state funds, and many counties operate unified systems of public classroom education; and

WHEREAS, the citizens of Alabama expect fiscal accountability from the Legislature in addressing the need to equitably fund public classroom education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Commission of Higher Education, the Alabama State Board of Education, and the Alabama Department of Education be directed to survey all of Alabama's college systems and recommend measures to reduce the number of institutions to the approximate southeastern average, and report their findings to the Legislature not later than the fourteenth legislative day of the 1994 Regular Session.

BE IT FURTHER RESOLVED, That the Alabama State Board of Education and the Alabama Department of Education be directed to survey the 129 systems of public classroom education in Alabama and recommend measures of consolidation of facilities and curricula, and report their finding to the Legislature no later than the fourteenth legislative day of the 1994 Regular Session.

The resolution, H.J.R. 68, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gullatt and Higginbotham:

H.J.R. 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

WHEREAS, the Central High Red Devils of Phenix City defeated West End High of Birmingham to capture the first State Championship in Central's 65-year history; and

WHEREAS, the Red Devils claimed the Alabama High School Athletic Association Class 6-A State Title with a 12-7 victory over West End High on December 11, 1993, at Birmingham's Legion Field; and

WHEREAS, the State Championship was the first for Central Coach Wayne Trawick, who has spent 21 years of his 33-year coaching career at Central; and

WHEREAS, the Central Red Devils, Coach Trawick and his coaching staff exemplified a "Refuse To Lose" spirit during the 1993 regular season, the Class 6-A Playoffs, and the State Championship game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate the Central Red Devils, Coach Trawick and his coaching staff for winning the Alabama High School Athletic Association Class 6-A State Title.

BE IT FURTHER RESOLVED, That the Central Red Devils receive a copy of this resolution that they may know of our admiration for their achievement, and of our best wishes for every future success.

The resolution, H.J.R. 69, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gullatt and Higginbotham:

H.J.R. 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

WHEREAS, Coach Wayne Trawick has enjoyed a long and successful coaching career at Central High School of Phenix City, and coached the Central Red Devils to their first Alabama High School Athletic Association Class 6-A State Title in the school's 65-year history; and

WHEREAS, the State Championship also is the first for Coach Trawick after 33 years of coaching, the last 21 years at Central High School; and

WHEREAS, Coach Trawick inspired a "Winning Attitude" in the Red Devils and his coaching staff in advance of the State Championship game and their 12-7 victory over West End High of Birmingham on December 11, 1993, at Legion Field; and

WHEREAS, Coach Wayne Trawick is an exemplary role model for the players, coaches, faculty and students at Central High School, and the people of the City of Phenix City; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Coach Wayne Trawick for winning the Alabama High School Athletic Association Class 6-A State Title, and for his dedication and commitment to Central High School the last 21 years.

BE IT FURTHER RESOLVED, That Coach Trawick receive a copy of this resolution that he may know of our sincere esteem and our warm best wishes for every future success.

The resolution, H.J.R. 70, was read and referred to the Standing Committee on Rules.

Also:

By Representative Richardson:

H.J.R. 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

WHEREAS, Mead Containerboard's Stevenson Mill has been providing employment to over 300 employees since 1975 with no work stoppage; and

WHEREAS, ninety percent of the Stevenson Mill employees reside in Jackson County; and

WHEREAS, Mead Containerboard Division's total impact on the economies of Alabama, Georgia, and Tennessee is estimated to support approximately 1,500 jobs of which 763 are held by Alabamians; and

WHEREAS, the total impact of Mead Containerboard on incomes of all kinds in Jackson County totaled \$31 million in 1992; and

WHEREAS, Mead Containerboard's Stevenson Mill has received registration under the International Standards Organization's (ISO) 9002 Quality System Standard, making it the first paper mill in The Mead Corporation to receive ISO Registration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby publicly recognize and gratefully acknowledge Mead Containerboard's Stevenson Mill's outstanding operation, and the significant impact upon the economies of Jackson County and the State of Alabama by the Stevenson Mill and Mead Containerboard Division.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Mead Containerboard's Stevenson Mill.

The resolution, H.J.R. 71, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Barnes and Spratt:

H. 431. To amend Section 41-23-24, Code of Alabama 1975, the Alabama Enterprise Zone Act, by providing that the tax incentives shall also be available to new and expanding small business adding employees and making certain capital investments in an enterprise zone.

COMMITTEE ON WAYS AND MEANS

By Representatives Barnes and Spratt:

H. 432. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives Smith (C) and Zoghby:

H. 433. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

COMMITTEE ON JUDICIARY

By Representative Page:

H. 434. To make an appropriation from the Alabama Special Educational Trust Fund to the Quest For Excellence Education Program of the City of Gadsden for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 435. To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson:

H. 436. To amend Section 6-5-333, relating to medical providers serving on utilization or peer review committees, by providing that pharmacists serving on utilization or peer review committees would not be liable for committee-related activities.

COMMITTEE ON HEALTH

By Representative Johnson:

H. 437. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Laird:

H. 438. Reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems who are not vested, an opportunity to purchase credit in the system for certain active duty service in the military.

COMMITTEE ON WAYS AND MEANS

By Representative Letson:

H. 439. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center and increase the fee for the inspection.

COMMITTEE ON WAYS AND MEANS

By Representative Millican:

H. 440. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers permitted to retain their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

COMMITTEE ON WAYS AND MEANS

By Representative Williams:

H. 441. To make a supplemental appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Alabama Aviation Technical College for the fiscal year ending September 30, 1994, and to provide for the change of the name of the institution upon review and accreditation by the Southern Association of Colleges and Schools.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 442. To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in the discharges; to provide for notice of violations for remedial purposes; and to provide for penalties for violations for enforcement of the requirements of this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Zoghby:

H. 443. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

COMMITTEE ON BANKING

By Representative Lindsey:

H. 444. To amend Sections 2-15-122, 2-15-124, 2-15-125, and 2-15-127, Code of Alabama 1975, relating to the Alabama Public Livestock Marketing Business Act; to provide for the location of hearings and the publication of notice of hearings; to provide for the appropriation of fees for the administration of the act; to further provide for lapsing of a charter; and to further provide for appeals of decisions of the Public Livestock Market Board.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Turnham:

H. 445. To make a supplemental appropriation from the State General Fund in the State Treasury to the Alabama Ethics Commission for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives McDowell, Spratt, Perdue, and Newton (D) (With Notice and Proof):

H. 446. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 446, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDowell, Spratt, Perdue, and Newton (D) (With Notice and Proof):

H. 447. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 447, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sanderson, Hawkins, Gaines, Kvalheim, Carns, Cullins, Haney, and Hooper:

H. 448. To establish the Alabama Clean Indoor Air Act; and to prohibit smoking in certain public places.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representative McDowell:

H. 449. To amend Chapter 5 of Title 30, Code of Alabama 1975, to provide further for protective orders for the purposes of preventing domestic abuse; to further define the persons covered and criminal actions constituting abuse; to provide for court jurisdiction and venue; to provide for court hearings for petitions for relief; to provide for the contents and the issuance of protection orders; to provide that the remedies and relief and penalties are cumulative; and to provide misdemeanor penalties for violations of protection orders.

COMMITTEE ON JUDICIARY

By Representatives Clark (W) and Buskey:

H. 450. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Black (M):

H. 451. To provide for the crimes of assault in the first, second, and third degree on judicial officials; to provide for the crime of threatening a judicial official; to provide for the crime of harassment and harassing communication of a judicial official; to prohibit certain disruptive conduct related to judicial proceedings; to further provide and specify the power of the Supreme Court to adopt rules relating to court and judicial security; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Black (M):

H. 452. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 453. To establish a board of trustees to form the Alabama Family Trust Fund Corporation, the Alabama Family Trust Fund Trust, and the Alabama Family Trust Fund Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Zoghby:

H. 454. To provide for the furnishing of medical records when the records are being sought to pursue a claim under the Social Security Act.

COMMITTEE ON HEALTH

By Representative Zoghby:

H. 455. To amend Section 40-12-139, Code of Alabama 1975, to provide further for business licenses for certain transient vendors.

COMMITTEE ON LOCAL GOVERNMENT

By Representative McDowell (With Notice and Proof):

H. 456. Relating to Jefferson County, to amend the title and Sections 3, 4, 5, and 6 of Act No. 406 of the Regular Session of the Legislature of Alabama of 1967, approved September 7, 1967, which authorized the county commission to levy a business or privilege tax, to delete the exemptions and provide the governing body of the county with authority to levy the tax upon all persons and businesses as defined in the act, to limit the amount of the business or privilege tax, to provide a deduction for other privilege tax paid to the county, and to provide for collection of the tax and penalties for enforcement.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 456, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Biddle, Knight (A), Haynes, Barnes, Morton, Hogan, Payne, Beasley, Johnson, Carothers, Petelos, Curry, Anderson, Smith (C), Page, McDaniel, Sanderford, Collins, Hill, Layson, Carns, Hawkins, McKee, Morrow, McClain, Sanderson, Burke, Holley, Kennedy, Venable, Hammett, Cosby, Cullins, Campbell, Penry, Gaines, Starkey, Spratt, Hooper, Millican, Harvey, Newton (C), Bryant, Black (L), Blakeney, Mikell, Laird, Walker, Higginbotham, Harper, Gullatt, Rockhold, Rich, and Haney:

H. 457. To grant the marine police officers of the Department of Conservation and Natural Resources the same arrest powers with or without a warrant as provided certain other law enforcement officers, pursuant to Sections 32-5A-191 and 32-5A-191.1 of the Code of Alabama 1975, relating to arrests for driving under the influence on the public highways of this state and amending Section 33-5-24 of the Code of Alabama 1975 for that purpose; and to provide for misdemeanor penalties for violations of existing law relating to operating a vessel while under the influence.

COMMITTEE ON HEALTH

By Representatives Higginbotham, Black (M), Anderson, Petelos, Biddle, Laird, Payne, Carns, and Campbell:

H. 458. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature may by general law establish qualifications for a person to be admitted to the Alabama State Bar Association.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representatives Higginbotham, Black (M), Anderson, Petelos, Biddle, Laird, Payne, Carns, and Campbell:

H. 459. To provide that the number of times an applicant may be examined for admission to the Alabama State Bar shall be limited to five.

COMMITTEE ON JUDICIARY

By Representatives Higginbotham, Cosby, Burke, Richardson, Fuller, Melton, Black (M), and Mathis:

H. 460. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Newton (D), Petelos, Gaines, Curry, and Morton (With Notice and Proof):

H. 461. Relating to Jefferson County; authorizing the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by subsection (e) of Section 13 of Act No. 497, H. 1057, 1965 Regular Session (Acts 1965, p. 717), as amended by Act No. 81-1060, H. 9, 1981 Second Special Session (Act 1981, p. 305), a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System; repealing Act No. 93-927, H. 52, First Special Session (Acts 1993, p. ____).

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 461, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J):

H. 462. To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the members of the Public Service Commission so as to further provide for the compensation of the members of the Public Service Commission and to provide for a method of periodically reviewing the salaries of the members of the Public Service Commission by the State Personnel Board, for a recommendation to the Governor concerning the salaries, and for either an approval or disapproval of a salary increase by the Governor.

COMMITTEE ON WAYS AND MEANS

By Representatives Drake, Goodwin, Anderson, Holley, Buskey, and Clark (W):

H. 463. To provide for commemorative motor vehicle tags for certain educators; to appropriate certain fees for the tags to the Penny Trust Fund; to establish an advisory committee for the design of the tag; to provide that the cost and additional fees for the retired teachers commemorative license tags be paid equally from the State General Fund and the Special Educational Trust Fund; and to provide that the sum deposited to the Penny Trust Fund is a charitable deduction.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 464. To amend Section 6-5-391, Code of Alabama 1975, concerning the cause of action for the wrongful death of a minor; to provide further that the cause of action applies to a pre-born minor child at any stage of development regardless of viability; and to further provide for the limitation period for an action for the death of a minor child or pre-born child.

COMMITTEE ON HEALTH

By Representatives Newton (C), Beasley, Johnson, and Black (M):

H. 465. To provide for the registration and bonding of business opportunity franchisers, to require certain disclosures, to specify prohibited acts, to specify contract requirements, and to provide for civil and criminal penalties.

COMMITTEE ON BUSINESS AND LABOR

By Representative Fuller:

H. 466. To provide for the offense of making false statements to obtain workers' compensation benefits.

COMMITTEE ON JUDICIARY

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Corbett, Foshee, Little, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

By Senators Dial, Hill, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 9, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Ellis and Owens:

S.J.R. 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

WHEREAS, the 1992 Commission on the Future of the South, in its landmark report called "Measure by Measure: The South Will Lead the Nation," called for youth and community leadership development and support as critical to Southern economic development and progress; and

WHEREAS, the fourth goal said, "The South will have bold visionary leaders whose concerns are for the greater good of the community" and identified recommended strategies to create youth leadership opportunities, expanded leadership programs in rural and underserved areas and for emerging leaders, and to build and support a leadership network through resource and information sharing and otherwise; and

WHEREAS, in the well-respected report "Halfway Home and a Long Way to Go" the 1986 Commission on the Future of the South also called for states to place an emphasis on youth and community leadership opportunities and support; and

WHEREAS, the Legislature desires to explore ways by which the state, education (including school boards and districts, postsecondary and higher education), local government, business, associations, leadership organizations, non-profit youth leadership programs, economic development and other civic/community groups and other entities might work together to address the needs which may exist in the state related to the Commission report, possibly through a voluntary compact, consortium, or otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created a Joint Legislative Committee on Southern Leadership Goals. The committee shall consist of four members of the House of Representatives appointed by the Speaker of the House, and four members of the Senate, appointed by the President of the Senate. They shall designate the co-chairs. The President of the Senate and the Speaker of the House shall jointly appoint a citizen, who shall serve without compensation as a non-voting secretary and resource to the committee.

2. The committee shall study the recommendations related to leadership development and support as made by the 1992 and 1986 Commissions on the Future of the South. It shall make any recommendations it deems necessary to this session of the Legislature with respect to ways and means by which Alabama might address this goal, whether by a voluntary public/private compact, partnership, consortium, or otherwise. Prior to making its recommendation it shall, through its secretary, invite and compile comments and suggestions from various entities in the fields of education, state and local government, business, labor and professions, economic development, non-profit community leadership, youth leadership programs, other civic/community entities, and other interested persons. In its discretion, it may convene an advisory meeting of representatives from the above entities, and may invite, and pay, reasonable expenses of the chairperson of the 1992 or 1986 Commissions on the Future of the South to speak to the committee and to the advisory meeting related to the rationale of the Commission recommendations. The committee shall endeavor to complete its work and make its report, and recommendations if any, at the earliest practicable date in this session, and the committee shall cease to exist on the sine die adjournment of the 1994 Regular Session.

3. The committee may incur expenses, including any reasonable expenses of the invited speaker, costs of mailing and materials related to an advisory meeting, preparation of report(s), and any other reasonable and necessary expenses. The co-chairs of the committee shall approve the reimbursement of any state institution or agency for expenses authorized by them to be incurred on the committee's behalf. The total expenses of the committee shall not exceed \$5,000.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 12, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Escott-Russell:

S.J.R. 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee to Study Mass Transit be allowed to extend the time for said committee to report until the fifteenth legislative day of the Regular Session of 1994.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 13, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

Also:

By Senator Floyd:

S.J.R. 15. HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

Also:

By Senator Smith (B):

S.J.R. 16. COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 14, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

On motion of Representative Page, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Butler, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little, Corbett, Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

Also:

By Senator Sanders:

S.J.R. 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

By Senator Sanders:

S.J.R. 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 18, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 42, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 60, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Gullatt, Hall (A), Hawkins, Hogan, Holladay, Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, Melton, Mikell, Morrow, Morton, Parker (P), Payne, Richardson, Rockhold, Smith (C), Starkey, Turnham, Warren, Williams and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 60. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Richardson, Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 62, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Cagle, Carns, Carothers, Crow, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Hammett, Hawkins, Haynes, Hogan, Holladay, Johnson, Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Poole, Richardson, Rockhold, Smith (C), Turnham, Venable, Williams, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 62. Relating to Franklin County; providing for the election of the county superintendent of education by the qualified electors of the Franklin County School District.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Bryant, Burke, Butler, Cagle, Carns, Carothers, Crow, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Harvey, Hawkins, Haynes, Hogan, Holladay, Johnson, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Richardson, Rockhold, Smith (C), Turnham, Venable, Warren, Williams, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 73, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 146, was adopted.

Yeas 36; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Bryant, Burke, Carns, Carothers, Collins, Curry, Drake, Freeman, Hall (A), Hill, Hilliard, Hogan, Holladay, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, Melton, Morton, Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Smith (C), Williams and Zoghby.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bryant, Burke, Butler, Cagle, Carns, Carothers, Cullins, Curry, Drake, Gaines, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Knight (A), Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Richardson, Rockhold, Smith (C), Turnham, Venable, Williams, Willis and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 147, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Poole, Richardson, Rockhold, Smith (C), Turnham, Venable, Williams, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Bryant, Burke, Buskey, Campbell, Carns, Carothers, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McKee, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Smith (C), Thomas, Turnham, Williams and Willis.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 265, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Campbell, Carns, Carothers, Carter, Collins, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McKee, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Richardson, Rockhold, Smith (C), Thomas, Turnham, Venable, Williams, Willis and Zoghby.

-55

And the bill:

H. 265. Relating to the City of Athens in Limestone County; to authorize the municipal governing body to waive certain fees for the Habitat for Humanity.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Collins, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Harvey, Haynes, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McKee, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Richardson, Rockhold, Sanderford, Smith (C), Starkey, Thomas, Turnham, Venable and Willis.

-55

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 109.

Yeas 42; Nays 8.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Burke, Butler, Carns, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Hall (A), Harvey, Hawkins, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Letson, Mathis, McDaniel, McKee, Mikell, Newton (C), Page, Parker (P), Payne, Poole, Richardson, Rockhold, Smith (C), Starkey, Turnham and Zoghby.

-42

Nay:

Representatives Barnes, Collins, McClain, Newton (D), Perdue, Rich, Sanderson and Spratt.

- 8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 109, was adopted.

Yeas 61; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Cams, Carothers, Collins, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Haney, Harvey, Hawkins, Higginbotham, Hilliard, Holley, Holmes, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

-61

Nay:

Representatives Barnes, Newton (D) and Perdue.

- 3

And the bill:

H. 109. Providing that topless, bottomless, or nude dancing for monetary consideration is unlawful in any county with a Class III municipality and prescribing penalties for enforcement.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Collins, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Turnham, Willis and Zoghby.

-64

Nay:

Representative Barnes.

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 110.

Yeas 26; Nays 1.

Yea:

Representatives Beasley, Biddle, Butler, Carns, Crow, Freeman, Gaston, Goodwin, Haney, Hawkins, Holley, Holmes, Knight (J), Layson, McKee, McMillan, Mikell, Morton, Payne, Penry, Powell, Smith (C), Spratt, Turnham, Venable and Willis.

-26

Nay:

Representative Hall (A).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 110, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Carns, Carothers, Curry, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Higginbotham, Holladay, Holley, Holmes, Knight (J), Kvalheim, Mathis, McClain, McDaniell, McKee, McMillan, Mikell, Morrow, Parker (P), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Turnham, Venable, Williams and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Carns, Carothers, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniell, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Williams, Willis and Zoghby.

-61

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 234 AGAIN TAKEN UP

And the bill:

H. 234. (With Substitute): To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

as amended on the third legislative day, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, were again taken up.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Haynes, the bill, H. 234, as amended, and the motion offered by Representative Payne to indefinitely postpone were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 47. HONORING THE LATE THOMAS C. MAHER AND
RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

Also:

H.J.R. 63. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint
Resolutions and returns same herewith to the House:

H.J.R. 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR
OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED
SERVICE TO AUBURN UNIVERSITY.

Also:

H.J.R. 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE
OCCASION OF HER RETIREMENT.

Also:

H.J.R. 55. HONORING THE MISSIONARY SERVANTS OF MOST
BLESSED TRINITY.

Also:

H.J.R. 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER
RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF
HER TEACHING CAREER.

Also:

H.J.R. 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA,
FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

McDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 58, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 100, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 91, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bryant, Burke, Buskey, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Rockhold, Sanderford, Sanderson, Spratt, Turnham, Venable, Williams, Willis and Zoghby.

-61

And the bill:

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

was taken up.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 91:

On page 3, line 12, after the period, delete the sentence on the remainder of line 12 and all of lines 13 and 14.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Bowling, Bryant, Campbell, Carns, Clark (W), Crow, Freeman, Gaston, Gullatt, Hawkins, Haynes, Hogan, Holladay, Johnson, Kvalheim, Layson, McDowell, McKee, McMillan, Melton, Mikell, Parker (P), Payne, Penry, Poole, Rich, Rockhold, Smith (C), Spratt, Starkey, Turnham, Walker, Williams, Willis and Zoghby.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 91, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 6.

Yea:

Mr. Speaker, Beasley, Biddle, Bowling, Box, Bryant, Burke, Buskey, Butler, Campbell, Carns, Carothers, Clark (W), Cosby, Curry, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Harper, Hill, Kennedy, Knight (A), Kvalheim, Mathis, McDaniel, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Rockhold, Sanderson, Smith (C), Spratt, Starkey, Turnham, Walker and Zoghby.

-46

Nay:

Representatives Crow, Dolbare, Holley, McKee, Williams and Willis.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 189, was adopted.

Yeas 57; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Dolbare, Freeman, Fuller, Gaston, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable and Zoghby.

-57

Nay:

Representatives Bowling and Hall (A).

- 2

MOTION TO ADJOURN LOST

The motion offered by Representative Williams that the House adjourn until 1:00 o'clock p.m., January 25, 1994, was lost.

Yeas 7; Nays 62.

Yea:

Representatives Anderson, Biddle, Bowling, Hall (A), McKee, Walker and Williams.

- 7

Nay:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Cullins, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable and Zoghby.

-62

H. 189 TAKEN UP

And the bill:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-81

Nay:

Representative Hall (A).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 254, was adopted.

Yeas 67; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Cullins, Curry, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Haney, Harper, Hawkins, Haynes, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Williams and Zoghby.

-67

Nay:

Representatives Hall (A) and Holley.

- 2

And the bill:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 4.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-76

Nay:

Representatives Bowling, Freeman, Hall (A) and Holley.

- 4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Freeman intended to vote "Yea" on passage of the bill, H. 254.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 174, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow,

Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Willis and Zoghby.

-73

And the bill:

H. 174. (With Amendment): To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 174 on Page 1 on lines 9, 17 and on lines 22 and 23 by deleting the phrase "Young Women of the Year Program" and inserting in lieu thereof the phrase "Junior Miss Pageant".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Williams, Willis and Zoghby.

-77

And the bill:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-81

CO-SPONSOR ADDED

Representative Hammett was added as co-sponsor to the bill, H. 174.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 175, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (M), Box, Bryant, Burke, Buskey, Butler, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett,

Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-73

And the bill:

H. 175. (With Amendment): To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 175 on Page 1 on lines 9, 17 and on lines 22 and 23 by deleting the phrase "Young Women of the Year Program" and inserting in lieu thereof the phrase "Junior Miss Pageant".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-79

And the bill:

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Petelos:

H.R. 72. DESIGNATING JANUARY 22-23, 1994, AS AMERICAN-HELLENIC WEEKEND IN BIRMINGHAM, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

**REGULAR SESSION
4th Day**

417

Delivered to the Governor at 10:35 A.M. on January 20, 1994.

H.J.R. 33

H.J.R. 34

H.J.R. 35

H.J.R. 37

H.J.R. 38

H.J.R. 39

H.J.R. 40

H.J.R. 41

H.J.R. 42

Delivered to the Governor at 11:00 A.M. on January 20, 1994.

H.J.R. 62

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W) and pursuant to the resolution, H.R. 64, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, January 25, 1994.

Yeas 48; Nays 28.

Yea:

Mr. Speaker, Barnes, Biddle, Black (M), Bowling, Bryant, Buskey, Carns, Carter, Clark (W), Clay, Cosby, Crow, Curry, Dolbare, Drake, Freeman, Goodwin, Hall (A), Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Holmes, Kennedy, Knight (J), Laird, Layson, Lindsey, McClain, McDowell, Melton, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Powell, Rogers (J), Spratt, Starkey, Thomas, Walker, Williams and Willis.

-48

Nay:

Representatives Beasley, Box, Burke, Butler, Cagle, Campbell, Carothers, Gaines, Hamilton, Harvey, Haynes, Holley, Johnson, Knight (A), Kvalheim, Mathis, McDaniel, McMillan, Petelos, Poole, Rich, Richardson, Rockhold, Sanderson, Smith (C), Turnham, Venable and Zoghby.

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FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 25, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Greg Belser, Morningview Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dani Mathis, 5th Grade, Wicksburg School, Dothan, Alabama and Lindsay Shehee, 7th Grade, Rohobeth School, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative Clark (J), leave of absence was granted for Representative Zoghby.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

On motion of Representative Carter, the resolution, H.J.R. 65, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

On motion of Representative Carter, the resolution, H.J.R. 66, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

On motion of Representative Carter, the resolution, H.J.R. 67, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

On motion of Representative Carter, the resolution, H.J.R. 69, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

On motion of Representative Carter, the resolution, H.J.R. 70, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

On motion of Representative Carter, the resolution, H.J.R. 71, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

On motion of Representative Carter, the resolution, S.J.R. 9, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

On motion of Representative Carter, the resolution, S.J.R. 11, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

On motion of Representative Carter, the resolution, S.J.R. 14, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT

On motion of Representative Carter, the resolution, S.J.R. 13, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

On motion of Representative Carter, the resolution, S.J.R. 17, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

On motion of Representative Carter, the resolution, S.J.R. 18, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

On motion of Representative Carter, the resolution, S.J.R. 19, was adopted.

BILLS ON SECOND READING

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 174, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 175, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Cagle, Hogan, Payne, Petelos, Hawkins, Haney, and Hooper:

H. 467. Relating to an income taxation for corporations; to provide tax credits for certain corporations contracting to purchase coal mined in Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Clark (J) (With Notice and Proof):

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 468, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Higginbotham:

H. 469. To provide that the number of times an applicant may be examined for admission to the Alabama State Bar shall be limited to five.

COMMITTEE ON JUDICIARY

By Representatives Beasley, Johnson, Butler, and Mikell:

H. 470. To prohibit prescription drug manufacturers from discriminating in price between retail pharmacies which purchase similar volumes and whose purchases involve similar billing and distribution costs for the seller; to provide that the anti-discrimination provisions of the bill do not apply to the sale or donation of drugs for bona fide charitable purposes; to provide that a purchaser or the Attorney General may seek injunctive relief for violations of the provisions of the bill; and to provide that an injured party may also sue for damages caused by price discrimination.

COMMITTEE ON BUSINESS AND LABOR

By Representative Smith (C):

H. 471. To amend Section 17-6-13 of the Code of Alabama 1975, to provide for reimbursement to the counties of one-half of the election officers' fee.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 472. To propose an amendment to the Constitution of Alabama of 1901, to provide for the imposition of additional fees on commercial trucks or truck tractors with the proceeds from the fees to be used for education.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Turner:

H. 473. To amend Section 40-12-248, Code of Alabama 1975, relating to license taxes, and registration fees for trucks and truck tractors by providing for an increase in the fees based on the gross vehicle weight of trucks and truck tractors; to provide that the proceeds would be used to fund education; and to amend Sections 37-3-4 and 37-3-7 relating to exemption of certain motor vehicles from regulation by the Alabama Public Service Commission, and the powers and duties of the Alabama Public Service Commission by providing that trucks and truck tractors subject to the increase in fees would not be regulated by the Alabama Public Service Commission.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper and Cullins:

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

COMMITTEE ON WAYS AND MEANS

By Representatives Morton, Gaines, and Sanderson (With Notice and Proof):

H. 475. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 475, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson:

H. 476. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to provide for the powers, duties, and responsibilities of the Alabama State Board of Respiratory Care; to create a special fund for receipts collected by the board and the administration of the fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; and to provide for prohibited acts and penalties.

COMMITTEE ON HEALTH

By Representative Campbell:

H. 477. To amend Section 37-2-84, Code of Alabama 1975, relating to the authority of the Department of Transportation to abandon or discontinue a state highway or a street on a state highway route crossing the tracks or right-of-way of a railroad; to further provide for the authority of the Department of Transportation to abandon, close, and discontinue a portion of any private, municipal, or county highway, street, or right-of-way crossing the tracks or right-of-way of any railroad when the crossing is dangerous, redundant, or it is in the interest of public safety that the crossing be closed.

COMMITTEE ON HIGHWAY SAFETY

By Representative Knight (A):

H. 478. To repeal Section 30-3-7 of the Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in cases involving divorce or divorce modification.

COMMITTEE ON WAYS AND MEANS

By Representatives Freeman, Hall (L), Hall (A), Haney, and Butler:

H. 479. To make a supplemental appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of J.F. Drake State Technical College for the fiscal year ending September 30, 1994 and to provide for the construction of a library to meet accreditation standards by the Southern Association of Colleges and Schools.

COMMITTEE ON WAYS AND MEANS

By Representatives Anderson and Parker (P):

H. 480. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without warrants, to include within the offenses and circumstances in which arrests may be made without a warrant the instance when an officer has reason to believe a crime has been committed on school property by the person arrested.

COMMITTEE ON JUDICIARY

By Representative Johnson:

H. 481. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Haynes:

H. 482. To amend Section 41-9-594, Code of Alabama 1975, to authorize the Alabama Criminal Justice Information Center to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation and to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Melton:

H. 483. To provide for the Alabama Mental Health Consumers' Rights Act and to provide for penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Johnson:

H. 484. To amend Sections 22-21-260 and 22-21-263 of the Code of Alabama 1975, relating to new institutional health services required to be reviewed by the State Health Planning and Development Agency prior to being offered or developed, to further provide for the threshold of expenditures by a health care facility or health maintenance organization included as a new institutional health service and subject to review.

COMMITTEE ON HEALTH

By Representative Venable:

H. 485. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts,

and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, McMillan, Hooper, Turner, Mikell, Rockhold, Gaston, Dolbare, Cullins, Smith (R), Buskey, Black (M), Payne, Carns, Smith (C), Millican, Knight (A), Hill, Collins, Sanderson, Gaines, Morton, Hall (A), Beasley, and Haynes:

H. 486. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

COMMITTEE ON EDUCATION

By Representative Box:

H. 487. To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

COMMITTEE ON JUDICIARY

By Representatives Holmes, Kennedy, and Knight (J):

H. 488. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994 to Trenholm State Technical College.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Clark (J), Gaston, Ford, Curry, Harvey, Drake, Black (M), Haney, Richardson, Hall (L), Rockhold, Freeman, Hall (A), Sanderford, Smith (C), Parker (T), Page, Morton, Burke, Gaines, Sanderson, Knight (A), Collins, Morrow, Hill, and Perdue:

H. 489. To establish the Alabama Commission on Small Business Development; to provide for its members, officers, and their duties; to make an appropriation; and to provide a termination date.

COMMITTEE ON INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

By Representatives Hilliard, Newton (D), Spratt, McClain, Rogers (J), and Hall (L)
(With Notice and Proof):

H. 490. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 490, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Penry:

H. 491. To amend Section 17-4-153, Code of Alabama 1975, to provide further for the salary of each member of the Board of Registrars in each county.

COMMITTEE ON WAYS AND MEANS

By Representatives Letson, Sanderford, Anderson, Hogan, Hill, Page, Morrow, Cosby, Haynes, Millican, Carter, Johnson, Black (M), Collins, Gaines, Sanderson, Lindsey, Buskey, Haney, Box, Hall (L), Clay, Clark (J), Gullatt, Laird, Freeman, Dolbare, Williams, Rogers (J), Payne, Carothers, Morton, Parker (P), Knight (A), McDowell, Harper, Hall (A), Holley, Cullins, Mikell, Rich, Rockhold, Turnham, Petelos, Hammett, and Beasley:

H. 492. To exempt public library agencies and all organizations incorporated for the purpose of providing or coordinating cooperative library service from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by those organizations from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Kennedy:

H. 493. To provide for the restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Fuller and Newton (C):

H. 494. To provide for the offense of making false statements to obtain workers' compensation benefits.

COMMITTEE ON BUSINESS AND LABOR

By Representative Hooper:

H. 495. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize certain user fees by the center for computer access and computer equipment; to create a special account for those fees in the State Treasury; to provide for the use of the fees; and to provide that fees levied and collected prior to the effective date of this act are validated and confirmed.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Kennedy:

H. 496. To amend Sections 41-9-741, 41-9-742, and 41-9-744, Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), McClain, McDowell, and Spratt (With Notice and Proof):

H. 497. Relating to Jefferson County; to amend Section 18 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376) as last amended by Act No. 89-467, H. 541 of the 1989 Regular Session (Acts 1989, p. 967), relating to creating and establishing a countywide civil service system; to provide further for provisional appointments to become permanent in the absence of a list of qualified candidates.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 497, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Gaines, Sanderson, Morton, Knight (A), Curry, Zoghby, Rockhold, and Carns:

H. 498. To provide that a person may not maintain a cause of action on the basis that but for the act or omission of another, wrongful or otherwise, he or she would have been aborted and not born alive.

COMMITTEE ON JUDICIARY

By Representatives Gaines, Sanderson, Morton, Knight (A), Curry, Zoghby, Rockhold, and Carns:

H. 499. To provide that a person may not maintain a cause of action on the basis that but for the act or omission of another, wrongful or otherwise, the child would have been aborted and not born alive.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 500. To make appropriations from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 501. To create a scrap tire program administered by the Alabama Department of Public Health; to create a recycling fund for the processing and shredding of scrap motor vehicle tires to be funded by fees on the sale of new tires and civil penalties; to provide penalties for certain violations; and to provide an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 502. To amend Section 12-17-94, Code of Alabama 1975, relating to the duties of the circuit clerks; to provide an additional duty of monitoring court orders directed at criminal defendants relating to fines, court costs, and other court-ordered monies; and to make an appropriation to the Unified Judicial System for the purposes of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 503. To make a supplemental appropriation for the sum of fourteen thousand dollars (\$14,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

H.J.R. 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 55. HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

Also:

H.J.R. 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

Also:

H.J.R. 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

Also:

H.J.R. 47. HONORING THE LATE THOMAS C. MAHER AND
RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

Also:

H.J.R. 63. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative White:

H.R. 73. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF
THE SUPREME COURT RELATIVE TO HOUSE BILL 42.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE
LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief
Justice and Associate Justices of the Supreme Court or a majority of them, to give
this body their written opinions on the following important constitutional questions
that have arisen concerning the pending bill, H.B. 42, a copy of which is attached
to this resolution and made a part hereof by reference.

House Bill 42 authorizes the sheriff to contract housing of federal, municipal,
and county prisoners other than Escambia County prisoners.

1. Does H.B. 42 violate Section 94 of the Constitution of Alabama of 1901,
which prohibits the Legislature authorizing any county to lend its credit, or to grant
public money or thing of value in aid of, or to any individual, association, or
corporation?

2. Under Section 14-6-3, Code of Alabama 1975, a jail is required to be used for the confinement of all persons committed to it by authority of law. Section 14-6-4, Code of Alabama 1975, requires a sheriff to receive into custody any person committed under any criminal charge or offense against the United States. Do these sections subsume the law regarding the housing of prisoners in a county jail and is a local law permitting the sheriff to contract housing for prisoners in conflict with the general law in violation of Section 105 of the Constitution of Alabama of 1901?

3. H.B. 42 permits the sheriff to expend funds received for housing federal prisoners for law enforcement purposes. Does H.B. 42 violate Section 280 of the Constitution of 1901, which prohibits a person holding an office of profit under the United States from holding any office of profit under the state?

RESOLVED FURTHER, That the Clerk of the House of Representatives is directed to send sufficient true copies of the pending bill, H.B. 42, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court upon adoption of this resolution.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative White offered the motion to suspend the rules and adopt the resolution, H.R. 73.

DIVISION OF THE QUESTION

Representative Venable called for a Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative White to suspend the rules in order to take up for immediate consideration the resolution, H.R. 73, and the motion was adopted.

Yeas 49; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Bryant, Butler, Cagle, Campbell, Carothers, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hall (L), Harvey, Hawkins, Higginbotham, Hill, Hogan, Knight (A), Laird, McClain, McDaniel, McMillan, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams and Willis.

Nay:

Representative Holley.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION ADOPTED

On motion of Representative White, the resolution, H.R. 73, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A HAND BRIDGE.

Also:

By Senator Owens:

S.J.R. 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S.J.R. 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 23, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hawkins:

H.J.R. 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

WHEREAS, Mrs. Edna Earl Lee Goodwin, was born and grew up in Shelby County and graduated from Thompson High School; and

WHEREAS, Mrs. Goodwin was a long-time employee of the United Mines Workers of America, serving capably and conscientiously for twenty-four years; and

WHEREAS, since 1980 Mrs. Goodwin has worked with Alabama Power Company in its governmental relations department where she has earned the trust and admiration of those who know her, coworkers and others, alike; and

WHEREAS, Mrs. Goodwin has met her numerous and varied responsibilities at work with initiative and loyalty, at the same time displaying humor and personal concern for others through her many gestures of kindness, and

WHEREAS, throughout her career and despite personal sacrifice, her absolute and unselfish devotion to her family have never faltered,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send Mrs. Goodwin our warmest wishes for success and happiness in her retirement; we further direct that Mrs. Goodwin be presented with a copy of this resolution as an expression of our esteem on the occasion of her retirement.

The resolution, H.J.R. 74, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, the Alabama Legislature acknowledges the numerous contributions of the Inge family to the history of the State of Alabama; and

WHEREAS, throughout the development of the state, countless members of the Inge family have distinguished themselves in the fields of medicine, law, agriculture, and education; and

WHEREAS, Richard Inge served in the American Revolution and was an early pioneer citizen and planter from the Tuscaloosa area where he served in the Alabama House of Representatives in 1825; and

WHEREAS, his son, William Marshall Inge, was educated in North Carolina, and served as a Jacksonian Democrat in the United States Congress representing the State of Tennessee with such men of honor and dignity as Davy Crockett and James K. Polk; and

WHEREAS, William Marshall Inge moved to Alabama where he practiced law, and like his father, served in the Alabama House of Representatives in 1840 representing Greene County; and

WHEREAS, the Inge family has contributed both personally and professionally to the enrichment of our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Inge family for their outstanding contributions to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Sally Roach Janke, great-great granddaughter of William Marshall Inge.

The resolution, H.J.R. 75, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 42, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 63, was adopted.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bowling, Bryant, Cagle, Carter, Drake, Freeman, Gaston, Hall (A), Haney, Harvey, Hill, Hogan, Holladay, Knight (A), Layson, Mathis, Melton, Morrow, Morton, Newton (C), Page, Parker (P), Penry, Richardson, Rockhold, Sanderford, Smith (C), Starkey, Venable, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 63. To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Hall (A), Hall (L), Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Knight (J), Layson, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, White, Williams and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Cagle, the Budget Isolation Resolution relating to the bill, H. 134, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bowling, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Drake, Freeman, Gaines, Hall (A), Harvey, Hill, Hogan, Holladay, Holmes, Kennedy, Knight (A), Knight (J), Mathis, McClain, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Poole, Rockhold, Rogers (J), Sanderson, Smith (C), Starkey, Turner, Venable, Williams and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 134. Relating to Walker County; granting certain county employees a day of personal leave in lieu of the Mardi Gras holiday.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Freeman, Gaston, Hall (A), Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holmes, Knight (A), Knight (J), Mathis, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Rich, Rockhold, Smith (C), Turnham, Williams and Willis.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Cagle, the Budget Isolation Resolution relating to the bill, H. 135, was adopted.

Yeas 36; Nays 6.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Bryant, Cagle, Campbell, Carothers, Carter, Clay, Crow, Drake, Flowers, Freeman, Gaston, Goodwin, Hall (A), Hamilton, Harvey, Higginbotham, Hill, Hogan, Holladay, Knight (A), Mathis, Morrow, Page, Rich, Rockhold, Spratt, Starkey, Turner, Turnham, Venable, Williams and Willis.

-36

Nay:

Representatives Biddle, Carns, Hawkins, McClain, McDowell and Payne.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 135. Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county and paid to the county for the purpose of providing an annual bonus to county employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 9.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Bryant, Cagle, Campbell, Carothers, Carter, Crow, Drake, Flowers, Freeman, Gaston, Hall (A), Haynes, Higginbotham, Hogan, Holladay, Holmes, Johnson, Knight (J), Mathis, Mikell, Morrow, Newton (C), Page, Parker (P), Parker (T), Rich, Rockhold, Smith (C), Starkey, Turnham, Venable, Williams and Willis.

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Nay:

Representatives Biddle, Carns, Gaines, Hawkins, McClain, McDowell, Newton (D), Payne and Perdue.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Cagle to adopt the Budget Isolation Resolution relating to the bill, H. 136, was lost.

Yeas 5; Nays 10.

Yea:

Representatives Cagle, Freeman, Hall (A), Morrow and Spratt.

- 5

Nay:

Representatives Biddle, Carns, Gaines, Hawkins, McClain, McDowell, Morton, Newton (D), Payne and Sanderson.

-10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hogan, the Budget Isolation Resolution and the bill, H. 271, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 428, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Carns, Carter, Clark (W), Clay, Collins, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Kennedy, Knight (A), McClain, McDowell, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Rich, Rockhold, Rogers (J), Smith (C), Starkey, Turner and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Campbell, Carns, Carter, Clay, Crow, Dolbare, Drake, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Haynes, Hill, Holley, Johnson, Kennedy, Knight (A), Knight (J), McClain, McMillan, Millican, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Rich, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turner, Williams and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 429, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Bryant, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Dolbare, Drake, Freeman, Gaston, Goodwin, Gullatt, Hamilton, Haney, Haynes, Holladay, Holley, Johnson, Kennedy, Mathis, McClain, McMillan, Mikell, Millican, Newton (C), Newton (D), Page, Parker (T), Penry, Rich, Rockhold, Rogers (J), Smith (R), Spratt, Starkey, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Layson, Letson, Mathis, McClain, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Penry, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Williams and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 9, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Bryant, Buskey, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Drake, Flowers, Gaines, Gaston, Goodwin, Gullatt, Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Kennedy, Knight (A), Knight (J), Mathis, McClain, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Page, Parker (P), Penry, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Williams and Willis.

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And the bill:

H. 9. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Bryant, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Harvey, Hawkins, Higginbotham, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (J), Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Williams and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 80, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Bryant, Campbell, Carothers, Carter, Clay, Collins, Crow, Cullins, Drake, Gaines, Gaston, Goodwin, Gullatt, Hammett, Harvey, Hill, Hilliard, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Letson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Williams and Willis.

-58

And the bill:

H. 80. Relating to Calhoun County; providing that the Tax Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Bowling, Bryant, Buskey, Campbell, Carothers, Carter, Clark (W), Collins, Drake, Flowers, Gaines, Gaston, Gullatt, Hall (L), Hammett, Hill, Holladay, Holley, Holmes, Knight (A), Knight (J), Mathis, McClain, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Perdue, Rich, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable and Williams.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 264, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Blakeney, Bowling, Bryant, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Drake, Flowers, Gaines, Gaston, Gullatt, Hamilton, Hammett, Hill, Hilliard, Holladay, Holley, Holmes, Knight (A), Knight (J), Mathis, McClain, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Penry, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 264. Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Bryant, Campbell, Carter, Clark (W), Clay, Crow, Gaston, Gullatt, Hammett, Higginbotham, Hill, Holladay, Holley, Kennedy, Knight (A), McClain, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Penry, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Williams and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Willis, the Budget Isolation Resolution and the bill, H. 278, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, H. 85, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, H. 236, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, H. 240, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 88, was adopted.

Yeas 46; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Bryant, Campbell, Carns, Carothers, Carter, Collins, Crow, Drake, Freeman, Gaines, Gaston, Gullatt, Hammett, Hawkins, Hill, Hilliard, Holladay, Holmes, Johnson, Knight (A), Mathis, McClain, McMillan, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Venable, Williams and Willis.

-46

Nay:

Representative Clark (W).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bryant, Carns, Carothers, Carter, Crow, Freeman, Gaston, Gullatt, Hammett, Hawkins, Haynes, Hilliard, Holladay, Holley, Holmes, Johnson, Letson, Mathis, McClain, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Rockhold, Rogers (J), Smith (C), Spratt, Turnham, Venable, Williams and Willis.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Bowling, the Budget Isolation Resolution relating to the bill, H. 106, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bowling, Bryant, Buskey, Carothers, Carter, Collins, Crow, Cullins, Drake, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hammett, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Knight (A), Letson, Mathis, McClain, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Williams and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bowling, Bryant, Buskey, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Holladay, Holmes, Johnson, Knight (A), Knight (J), Layson, Mathis, McClain, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Rich, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Williams and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Williams, the Budget Isolation Resolution relating to the bill, H. 405, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bryant, Carns, Carothers, Carter, Collins, Crow, Cullins, Freeman, Gaston, Gullatt, Hammett, Hawkins, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Mathis, McClain, McMillan, Mikell, Millican, Morton, Page, Parker (P), Parker (T), Payne, Penry, Rockhold, Rogers (J), Smith (C), Spratt, Turnham, Venable, Williams and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 405. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Carns, Carothers, Collins, Crow, Freeman, Gaines, Gaston, Gullatt, Hammett, Hawkins, Hill, Hilliard, Holladay, Holley, Johnson, Knight (A), Mathis, McClain, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Venable, Williams and Willis.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the bill, H. 41.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 41, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Campbell, Carter, Clark (W), Collins, Crow, Cullins, Dolbare, Drake, Ford, Gaston, Goodwin, Gullatt, Hammett, Harvey, Hawkins, Higginbotham, Hill, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Laird, Letson, Mathis, McClain, McMillan, Millican, Page, Parker (P), Penry, Rockhold, Rogers (J), Smith (C), Smith (R), Starkey, Turner, Venable, White, Williams and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 41. To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey, Campbell, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Dolbare, Drake, Ford, Fuller, Gaston, Goodwin, Gullatt, Hammett, Harvey, Higginbotham, Hill, Hilliard, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Letson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Penry, Richardson, Rockhold, Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, White, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 88. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 88. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell (With Notice and Proof):

S. 70. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 70, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 70. Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

H. 234 AGAIN TAKEN UP

And the bill:

H. 234. (With Substitute): To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

as amended on the third legislative day, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, which were temporarily carried over on the fourth legislative day were again taken up.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Carter, the bill, H. 234, as amended, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 58, was adopted.

Yeas 47; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Buskey, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Goodwin, Hamilton, Harvey, Hawkins, Hill, Hilliard, Holladay, Holley, Knight (J), Layson, Letson, Lindsey, Mathis, McClain, McMillan, Melton, Morrow, Morton, Page, Parker (T), Penry, Richardson, Rockhold, Smith (C), Spratt, Thomas, Turnham and Willis.

-47

Nay:

Representatives Ford, Hall (A) and Payne.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 8.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Buskey, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Penry, Poole, Rockhold, Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams and Willis.

-64

Nay:

Representatives Biddle, Bowling, Carns, Ford, Hall (A), Haney, Payne and Smith (R).

- 8

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler intended to vote "Yea" on passage of the bill, H. 58.

RECESS

On motion of Representative Harvey, the House recessed until 2:00 o'clock p.m.

JOINT SESSION

The hour of 2:00 o'clock p.m. having arrived and pursuant to the resolution, H.J.R. 15, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of commemorating Davey Allison Day and to receive a donation to the State from Texaco, U.S.A. in remembrance of Mr. Allison.

The Joint Session was called to order by the Presiding Officer of the Senate.

Governor Jim Folsom and Mr. Allison, father of Mr. Davey Allison, addressed the Legislature of Alabama.

The Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Harvey offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 100.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the bill, H. 100, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Campbell offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 7.

MOTION TO CARRY OVER TABLED

On motion of Representative Campbell, the motion offered by Representative Payne to carry over the bill, H. 7, and the pending Budget Isolation Resolution to the sixth legislative day, was tabled.

Yeas 37; Nays 16.

Yea:

Representatives Anderson, Black (M), Box, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Drake, Freeman, Fuller, Hall (A), Hall (L), Hammett, Haynes, Higginbotham, Hill, Holladay, Holmes, Johnson, Knight (J), McDaniel, Morrow, Page, Parker (P), Parker (T), Penry, Richardson, Sanderford, Sanderson, Thomas, Turnham, Venable, Williams and Willis.

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Nay:

Representatives Biddle, Carns, Curry, Ford, Haney, Hawkins, Knight (A), Layson, Mathis, McClain, McDowell, Morton, Payne, Poole, Smith (R) and Walker.

-16

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Campbell to adopt the Budget Isolation Resolution relating to the bill, H. 7, and the Budget Isolation Resolution was adopted.

Yeas 64; Nays 8.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cullins, Curry, Drake, Ford, Freeman, Gaines, Goodwin, Gullatt, Hall (L), Hammett, Hawkins, Higginbotham, Hill, Hilliard, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (J), Layson, Letson, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren and Williams.

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Nay:

Representatives Biddle, Carns, Haney, McDaniel, Payne, Richardson, Sanderford and Smith (R).

- 8

And the bill:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

was taken up.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 7:

To amend H. 7 on page 1, on lines 12, 17 and 26 and on page 2, on lines 4, 21 and 26 and on page 3 on lines 3, 7, 11 and 22 by adding after the word "or" the following: "physical or mental"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams and Willis.

-80

And the bill:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Goodwin, Gullatt, Hall (L), Hammett, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Layson, Letson, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams and Willis.

-73

Nay:

Representatives Biddle, Carns, Haney, McDaniel, Payne and Sanderford.

- 6

H. 399 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 399, from the Standing Committee on Constitution and Elections to the Standing Committee on Industrial Development and Economic Growth.

H. 335 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 335, from the Standing Committee on State Administration to the Standing Committee on Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

Also:

S.J.R. 15. HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

Also:

S.J.R. 16. COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

Also:

S.J.R. 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT

Also:

S.J.R. 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

Also:

S.J.R. 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

Also:

S.J.R. 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

S.J.R. 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 30, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams and Willis.

And the bill:

H. 30. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Harvey to adopt the Budget Isolation Resolution relating to the bill, H. 100, which was previously temporarily carried over and the Budget Isolation Resolution was adopted.

Yeas 60; Nays 3.

Yea:

Mr. Speaker, Black (L), Black (M), Bowling, Bryant, Burke, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Dolbare, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, Melton, Morrow, Page, Parker (P), Poole, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams and Willis.

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Nay:

Representatives Cams, Ford and Payne.

- 3

And the bill:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

was taken up.

SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the bill, H. 100:

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended.

PROPOSED AMENDMENT

(a) No county ad valorem tax official shall assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every county ad valorem tax official may participate in the Employee's Retirement System of Alabama, or any municipal or county retirement system in the same manner and upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official but shall not include a judge, district attorney, legislator, or any official elected from a judicial circuit.

Notwithstanding any provisions of this Constitution to the contrary including but not limited to Article IV, Section 98 as amended by Amendment No. 513, a county ad valorem tax official may participate in the Employees' Retirement System of Alabama or any successor retirement system thereto if the county served by the official is a county unit member of the Employees' Retirement System. Otherwise, the county ad valorem tax official may participate in the county retirement system for employees of the county served by the official. Participation by a county ad valorem tax official in the county or state retirement system shall be upon the same terms and conditions provided by law for participation by a state or county employee in the system. Nothing in this amendment shall be construed as authorizing a person to participate in both the county ad valorem tax official supernumerary program and the Employees' Retirement System of Alabama or a county retirement system which is not a county unit participant under the Employees' Retirement System.

A county ad valorem tax official who, on the effective date of this amendment, is participating in the supernumerary program pursuant to Title 40, Chapter 6, Code of Alabama 1975, may irrevocably elect to withdraw from the supernumerary program and enroll in the Employees' Retirement System of Alabama or the county retirement system for employees of the county served by the official, if the county system is not a unit participant in the Employees' Retirement System, upon the terms and conditions provided by law or regulation governing the retirement system in which the official enrolls. The election shall be in a form prescribed by the Retirement Systems of Alabama or the county retire-

ment system which is not a county unit member of the Employees' Retirement System, and filed for record in the probate office of the county served by the official no later than one hundred eighty days following the effective date of this amendment.

For purposes of this amendment, the words "county ad valorem tax official" means an elected or appointed county tax assessor, tax collector, revenue commissioner, license commissioner, or other county official whose duties include the assessment or collection of ad valorem taxes for the county, but do not include a judge of probate or an employee of the state.

(b) No act of the Legislature providing for the purchase of service credit under the Teachers' Retirement System, the Employees' Retirement System, or the Judicial Retirement Fund shall be effective unless a person purchasing service credit under the act pays the full actuarial cost of purchasing the service credit.

(c) No act of the Legislature providing a benefit under the Teachers' Retirement System, the Employees' Retirement System, or the Judicial Retirement Fund, shall become effective unless the benefit provided by the act is applicable to all members of the retirement system or fund affected by the act.

(d) No benefit provided under the Teachers' Retirement System, the Employees' Retirement System, or the Judicial Retirement Fund shall be applicable to any active or retired member who is convicted of a felony related to the service rendered by the member upon which the benefit is based.

(e) The Legislature may enact cost-of-living adjustments for retired members and beneficiaries of the Teachers' Retirement System, the Employees' Retirement System, or the Judicial Retirement Fund, provided that sufficient funds are provided by the Legislature to fully fund the cost of the adjustments.

(f) The Legislature shall not enact any laws providing for participation in the Teachers' Retirement System, the Employees' Retirement System, or the Judicial Retirement Fund by any for profit or not for profit private organization or allowing service credit to be purchased in a system or fund for service rendered to a non-public or non-quasi public employer.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 60; Nays 8.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Butler, Cagle, Carns, Clay, Collins, Crow, Curry, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Higginbotham, Hill, Holladay, Holley, Holmes, Hooper, Knight (A), Kvalheim, Layson, Lindsey, McClain, McDowell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Turner, Turnham, Venable, Williams and Willis.

-60

Nay:

Representatives Burke, Carter, Dolbare, Harvey, Haynes, Johnson, Thomas and Warren.

- 8

And the bill:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 7.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Morton, Page, Parker (P), Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

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Nay:

Representatives Anderson, Biddle, Carns, Ford, Holmes, Newton (C) and Payne.

- 7

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Higginbotham, the Budget Isolation Resolution relating to the bill, H. 128, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Petelos, Poole, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turnham, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives McDowell and Rockhold intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 128.

And the bill:

H. 128. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Poole, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler would have voted "Yea" on the bill, H. 128, had he been in the Chamber at the time of voting.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Freeman offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 105.

MOTION TO CARRY OVER TABLED

On motion of Representative Freeman, the motion offered by Representative Holmes to carry over the bill, H. 105, and the pending Budget Isolation Resolution to the sixth legislative day, was tabled.

Yeas 41; Nays 24.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Butler, Cagle, Campbell, Carns, Carothers, Collins, Crow, Freeman, Gaston, Hall (A), Hamilton, Hammett, Harper, Hawkins, Hill, Johnson, Knight (A), Kvalheim, Layson, Letson, Mathis, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Petelos, Poole, Rockhold, Sanderson, Smith (C), Smith (R), Venable, Williams and Willis.

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Nay:

Representatives Anderson, Black (M), Bryant, Buskey, Clark (W), Curry, Drake, Gaines, Goodwin, Hilliard, Holladay, Holmes, Kennedy, Knight (J), McClain, McDowell, McMillan, Mikell, Penry, Rogers (J), Spratt, Thomas, Turner and Walker.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Freeman to adopt the Budget Isolation Resolution relating to the bill, H. 105, and the Budget Isolation Resolution was adopted.

Yeas 58; Nays 11.

Yea:

Mr. Speaker, Anderson, Beasley, Butler, Cagle, Campbell, Carns, Carothers, Clay, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Letson, Mathis, McDaniel, McMillan, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Williams and Willis.

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Nay:

Representatives Bryant, Buskey, Drake, Hilliard, Holladay, Holmes, Kennedy, Knight (J), Newton (D), Perdue and Rogers (J).

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And the bill:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

was taken up.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

TOMMY CARTER
Chairman

And the bill, H. 7, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

TOMMY CARTER
Chairman

And the bill, H. 100, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative McClain:

H.R. 76. CONGRATULATING MR. JAMES PRYOR OF FAIRFIELD, ALABAMA, ON THE OCCASION OF HIS 88TH BIRTHDAY.

Also:

By Representative Melton:

H.R. 77. COMMENDING MRS. MARY L. DAVIS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Representative Parker (T):

H.R. 78. MOURNING THE DEATH OF DAVID LAWRENCE PARK OF TUSCALOOSA, ALABAMA.

Also:

By Representative Parker (T):

H.R. 79. RECOGNIZING GEORGINE CLARKE FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Representative Turnham:

H.R. 80. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PARTICIPATING IN THE MONTGOMERY STUDY INSTITUTE TO STUDY STATE GOVERNMENT.

Also:

By Representative Hawkins:

H.R. 81. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

Also:

By Representatives Morrow and Letson:

H.R. 82. CONGRATULATING MRS. GRACE M. NABORS ANDERSON ON THE OCCASION OF HER 82ND BIRTHDAY.

Also:

By Representative Anderson:

H.R. 83. CONGRATULATING MRS. GRACE M. NABORS ANDERSON ON THE OCCASION OF HER 82ND BIRTHDAY.

Also:

The following resolutions were introduced:

By Representative Knight (J):

H.J.R. 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

WHEREAS, Robert D. Nesbitt, Sr., has been named the 1993 Montgomery Advertiser Citizen of the Year; and

WHEREAS, Mr. Nesbitt is an 85-year-old retired insurance executive, high-ranking Mason, officer and tireless supporter of Montgomery's YMCA, a civil rights activist, a husband, father, grandfather and great-grandfather; and

WHEREAS, Mr. Nesbitt is responsible for bringing the late Reverend Dr. Martin Luther King, Jr., to Montgomery to pastor the Dexter Avenue Baptist Church in 1954; and

WHEREAS, Mr. Nesbitt served as a chief lieutenant during the Montgomery Bus Boycott, led by the Reverend Dr. King; and

WHEREAS, Mr. Nesbitt is a senior Deacon at the Dexter Avenue King Memorial Baptist Church, and he continues to serve actively the church he has held membership in for at least 70 years; and

WHEREAS, Mr. Nesbitt was the first black man to be named YMCA Man of the Year, the first black appointed to the Alabama Commission on Higher Education, and the first black appointed to the Montgomery City-County Personnel Board; and

WHEREAS, Mr. Nesbitt has spent the majority of his life helping others -- from poor children, to the workers in the Civil Rights Movement, to the Reverend Dr. Martin Luther King, Jr., when the slain Civil Rights hero was falsely accused of income tax violation charges -- and he continues to make substantial contributions to the betterment of life of all citizens of Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievements on behalf of the community, and in commendation of his selection as the 1993 Montgomery Advertiser Citizen of the Year, we hereby pay tribute to Robert D. Nesbitt, Sr., of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 84, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (J):

H.J.R. 85. COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

WHEREAS, David Ennis McCorvey is the winner of the Montgomery Advertiser's Humanitarian of the Year award for 1993; and

WHEREAS, this award was presented at the First Baptist Church on North Ripley Street on January 9, 1994; and

WHEREAS, Mr. McCorvey is a member of the Board of Deacons for the First Baptist Church; and

WHEREAS, Mr. McCorvey was nominated for the award by his son Everett McCorvey, an opera singer; and

WHEREAS, Mr. McCorvey has worked for many years with the sick, the elderly, and the homebound; and

WHEREAS, the retired postal clerk grew up in Monroeville, Alabama, but has significantly impacted on the city of Montgomery, where he was one of the pioneers of the First Baptist Church's meals program; and

WHEREAS, this meals program has grown from servicing 26 homes in 1986 to 500 homes in 1994; and

WHEREAS, Mr. McCorvey brings sick and elderly members of First Baptist to the church on Tuesdays for services; and

WHEREAS, the Humanitarian Award was first presented in 1987, and with the presentation of the 1993 award, Mr. McCorvey joins a group of selfless individuals dedicated to the improvement of society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the Montgomery Advertiser and its selection of David Ennis McCorvey as Humanitarian of the Year, 1993, we hereby commend Mr. McCorvey, and direct that he receive a copy of this resolution of sincere praise and highest personal regard.

The resolution, H.J.R. 85, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sanderson:

H.J.R. 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

WHEREAS, tobacco, which researchers say will take the lives of more of America's young people than all other drugs combined, is the most prevalent drug, other than alcohol, used during adolescence; and

WHEREAS, regular daily smoking usually begins in grades six through nine, among children aged 11 to 14, and it is estimated that some 3000 children start smoking every day; and

WHEREAS, smoking is the single largest preventable cause of disease and death in the United States and each year approximately 434,000 people who smoke die from smoking-related diseases; in addition, an estimated 40,000-52,000 die each year from environmental tobacco smoke; and

WHEREAS, former U. S. Surgeon General C. Everett Koop in 1988 challenged all sectors of the American public to join in making the high school graduating class of the year 2000 the first smoke-free generation in our history; and

WHEREAS, the American Cancer Society, the American Heart Association, and the American Lung Association have risen to this challenge by creating "The Smoke-Free Class of 2000" project, a joint 12-year tobacco-awareness campaign for children who will graduate from school in the year 2000, their parents and their teachers; and

WHEREAS, many children throughout Alabama have become enrolled in the Smoke-Free Class of 2000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with highest commendation

Alabama's "Smoke-Free Class of 2000," and would further urge that all citizens of the state join our children in observing this occasion, and in support of this project of the American Cancer Society, American Heart Association and the American Lung Association.

The resolution, H.J.R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Representative Haynes:

H.J.R. 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes Sergeant Robert (Bobby) L. Haynes who is retiring February 1, 1994, following 30 years of distinguished service as an Alabama State Trooper with the Department of Public Safety; and

WHEREAS, Sergeant Haynes, a native of Talladega, Alabama, joined the Highway patrol as a cadet in Eufaula, Alabama, October of 1963, and, for the next three decades served units in Jasper, Lineville, Sylacauga, Roanoke, Gadsden, Talladega, and Jacksonville, progressing through the ranks to sergeant, his position at retirement; he has also served as "court bailliff" and "jailer" for the Talladega races since their inception; and

WHEREAS, over the years, Sergeant Haynes, or "Gorilla" as he is fondly known, has displayed exemplary professionalism and skill in the performance of his duties in his charge to protect the lives of our citizens on the roads and highways of the state; and

WHEREAS, in tribute, he has received a number of commendations and awards, both from the motoring public and various state officials, including a safe driving commendation from the Department of Public Safety in 1989, and the 1991 Alabama Governor's Traffic Fatalities Reduction Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding public service, we hereby most highly commend Sergeant Robert L. Haynes of the Alabama Highway Patrol, for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in life.

The resolution, H.J.R. 87, was read and referred to the Standing Committee on Rules.

Also:

By Representative Haynes:

H.J.R. 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize achievement and excellence in various fields of endeavor, the Legislature of Alabama congratulates and most highly commends Coach Don Shula of the Miami Dolphins, whose 325 career victories make him the Winningest Coach in National Football League history; and

WHEREAS, Coach Shula's 325 wins in 31 years with Baltimore and Miami have dethroned Coach George Halas, whose 324 record total was reached in a period of four decades with the Bears, and it also tops that of his nearest competitor among active coaches by 55; and

WHEREAS, Donald Francis Shula, born January 4, 1930, in Grand River, Ohio, and reared in nearby Painesville, was a running back at Cleveland's John Carroll University who, in 1950, gained 125 yards in the Blue Streaks' 21-15 upset of Syracuse; and

WHEREAS, after beginning his pro career in 1951 with the Cleveland Browns, he was to become involved in 1953 in an unprecedented 15-player swap with Baltimore where he was to play four seasons with the Colts, and one season at Washington, before entering the coaching ranks in an assistant's position at the University of Virginia, which was followed by a three-year tenure as defensive coordinator for the NFL's Detroit Lions, before he succeeded Weeb Ewbank as head coach at Baltimore; and

WHEREAS, over the ensuing years, Don Shula advanced steadily toward Winningest Coach honors, establishing such NFL records as: the only coach to lead a team through an undefeated season (1972); more Super Bowls (6) than any coach; the youngest coach to reach the 100, 200, and 300 win marks; the best career winning percentage among the NFL's all-time top ten coaches; and only coach to present two players for induction into the Pro Football Hall of Fame, including many other accomplishments that will, more than likely, never be surpassed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the NFL's all-time Winningest Coach, and in highest admiration of his remarkable career, we hereby most heartily congratulate Coach Don Shula, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 88, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Knight (J), the House adjourned until 10:00 o'clock a.m., Thursday, January 27, 1994.

SIXTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, January 26, 1994**

The House did not meet today.

SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, January 27, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Carl Kelley, Camp Hill Baptist Church, Camp Hill, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by J. P. Roark, 8th Grade, Goodwyn Junior High, Montgomery, Alabama, and Jennie McGee, 8th Grade, Trinity School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton,

Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fifth legislative day was approved.

H. 498 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 498, from the Standing Committee on Judiciary to the Standing Committee on Commerce, Transportation and Utilities.

H. 499 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 499, from the Standing Committee on Judiciary to the Standing Committee on Commerce, Transportation and Utilities.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 48. REQUESTING THE ALABAMA ATTORNEY GENERAL TO FILE SUIT IN THE UNITED STATES SUPREME COURT AGAINST THE UNITED STATES GOVERNMENT, SPECIFIED U.S. GOVERNMENT DEPARTMENTS AND AGENCIES, AND THE OFFICIAL REPRESENTATIVES OF CERTAIN OTHER COUNTRIES ALLEGING VIOLATIONS OF THE CIVIL RIGHTS OF PRISONERS OF WAR OR MISSING IN ACTION AND TO DEMAND THAT DOCUMENTS CONCERNING THESE INDIVIDUALS BE RELEASED, AND ALSO URGING OTHER STATES TO JOIN IN THIS ACTION.

On motion of Representative Carter, the resolution, H.J.R. 48, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

On motion of Representative Carter, the resolution, S.J.R. 12, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

On motion of Representative Carter, the resolution, H.J.R. 74, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 75, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 23, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

On motion of Representative Carter, the resolution, S.J.R. 20, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, S.J.R. 21, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

On motion of Representative Carter, the resolution, H.J.R. 84, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 85. COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

On motion of Representative Carter, the resolution, H.J.R. 85, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

On motion of Representative Carter, the resolution, H.J.R. 86, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 87, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 88, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 22. To amend Sections 32-6-150 and 32-6-156, Code of Alabama 1975, relating to issuance of distinctive commemorative license tags or plates to provide for the issuance of distinctive commemorative license tags or plates for out-of-state colleges and universities, and provide that the net proceeds from the sales of the distinctive commemorative license tags or plates shall be distributed by the judge of probate or license commissioner to the local school district where the owner of the motor vehicle resides.

H. 24. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Military Order of the Purple Heart.

H. 29. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

H. 69. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

H. 320. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 324. (With Amendment): To amend Section 41-9-252, Code of Alabama 1975, to provide for an executive director, assistant director, and staff to perform educational, promotional, and fund-raising functions relating to the Old Cahaba Capitol Site.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 327. (With Substitute): To make legislative findings with respect to the need to continually bring energetic qualified personnel into employment in public education, which should promote the implementation of public education reform; to provide for a two-month retirement window with two years of additional service credited to the accounts of eligible active members of the Teachers' Retirement System who are currently employed in kindergarten through grade 12; to provide that one-half of the savings realized by the school boards employing the members who retire under the provisions of this act shall be paid to the Teachers' Retirement System for three years and that the remaining one-half savings shall be expended by the boards directly for academic instruction; to provide a method for calculating the estimated savings realized by the employer; to provide that the state salary allotment paid to the employer school system on behalf of each retiring member who holds a teaching certificate be maintained for three years; and to appropriate the funds necessary to maintain the state salary allotment.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 354. To repeal Sections 22-21-290, 22-21-291, 22-21-292, 22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

H. 359. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

H. 385. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

H. 440. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers permitted to retain their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 458. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature may by general law establish qualifications for a person to be admitted to the Alabama State Bar Association.

The above bill was read a second time at length as required by the Constitution.

H. 469. (With Amendment): To provide that the number of times an applicant may be examined for admission to the Alabama State Bar shall be limited to five.

H. 266. (With Amendment): Amending Section 16-47-10 of the Code of Alabama 1975, granting additional arrest powers to police officers of the University of Alabama, and allowing the police officers to carry the offenders to municipal court.

H. 307. (With Amendment): To provide for minimum sentencing of certain persons convicted of certain heinous sexual offenses against a victim under the age of 17 years if the victim is kidnapped or dies as a result of the conduct; to provide that persons convicted of this crime receive a mandatory minimum sentence of life without parole; and to provide that this act shall be construed in pari materia with other laws relating to certain sexual offenses, sentencing, and punishment.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 353. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 411. (With Amendment): To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 424. (With Substitute): To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 273. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

H. 400. To amend Section 13A-6-21, Code of Alabama 1975, relating to assault in the second degree; to provide further that an assault in the third degree by an inmate against a state employee or judge shall be classified as an assault in the second degree.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 433. (With Amendment): To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

H. 487. (With Amendment): To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

H. 387. (With Amendment): To amend Section 30-3-62, Code of Alabama 1975, relating to income withholding orders for support, to provide procedures by which income withholding orders may be terminated under certain circumstances without a hearing upon filing of an affidavit by the obligor, notice to the obligee, and issuance of an order.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 113. (With Amendment): To amend Section 36-26-27, Code of Alabama 1975, to provide further for procedures relating to dismissals and disciplining of certain employees.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 144. (With Substitute): Authorizing the Department of Mental Health and Mental Retardation to use the Alabama Criminal Justice Information System to secure criminal history background information on certain persons the department employs or contracts with, or both, to be direct care providers.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 482. To amend Section 41-9-594, Code of Alabama 1975, to authorize the Alabama Criminal Justice Information Center to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation and to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 465. (With Amendment): To provide for the registration and bonding of business opportunity franchisers, to require certain disclosures, to specify prohibited acts, to specify contract requirements, and to provide for civil and criminal penalties.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 470. To prohibit prescription drug manufacturers from discriminating in price between retail pharmacies which purchase similar volumes and whose purchases involve similar billing and distribution costs for the seller; to provide that the anti-discrimination provisions of the bill do not apply to the sale or donation of drugs for bona fide charitable purposes; to provide that a purchaser or the Attorney General may seek injunctive relief for violations of the provisions of the bill; and to provide that an injured party may also sue for damages caused by price discrimination.

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

H. 342. Relating to all civil actions in tort, contract, or otherwise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than ten years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of ten years; to provide when a cause of action accrues or arises; to provide that this act shall not apply to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Substitute) (With Amendment): Relating to public health in this state; prohibiting smoking in a public place or at a meeting of a public body, except in a designated smoking area; providing for the preemption of certain other laws, ordinances, and resolutions in conflict with this bill; and prescribing penalties for violations.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 404. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying its powers and duties, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

H. 436. To amend Section 6-5-333, relating to medical providers serving on utilization or peer review committees, by providing that pharmacists serving on utilization or peer review committees would not be liable for committee-related activities.

H. 437. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

H. 261. To require the Alabama Coalition Against Domestic Violence, Incorporated, to establish standards for domestic violence shelters for membership in the coalition; to make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, and to provide for the distribution of the funds.

H. 386. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

H. 344. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 352. (With Amendment): To provide for the "Rooming and Boarding Home Registration Act of 1993"; to establish a statewide registry of all rooming homes, boarding homes, and assisted living facilities; to authorize the State Board of Health to enforce the act; and to provide for administrative fines and penalties and criminal penalties for violations of the act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 376. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education and supervision.

H. 457. To grant the marine police officers of the Department of Conservation and Natural Resources the same arrest powers with or without a warrant as provided certain other law enforcement officers, pursuant to Sections 32-5A-191 and 32-5A-191.1 of the Code of Alabama 1975, relating to arrests for driving under the influence on the public highways of this state and amending Section 33-5-24 of the Code of Alabama 1975 for that purpose; and to provide for misdemeanor penalties for violations of existing law relating to operating a vessel while under the influence.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 443. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

H. 365. To establish the Individual Medical Account Act; to allow persons to make contributions to medical accounts to defray certain medical, dental, and long-term care expenses.

Representative Bryant, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 276. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and graveyard owners, to further provide for the number of trustees.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 294. (With Amendment): To require all state agencies to imprint upon consumer information publications provided at no charge to the public a statement declaring the cost of the publication was paid for by the taxpayers.

H. 361. (With Amendment): To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 425. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 384. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 145. (With Amendment): To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 423. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

H. 31. To require that a municipality that annexes territory of a fire district or volunteer fire department to compensate the fire district or volunteer fire department for lost revenue based on the percentage of the territory annexed; to allow full time paid employees of a fire district or volunteer fire department to transfer into the employment of the annexing municipality under certain circumstances; to allow the board of directors of a fire district whose territory has been annexed to redraw the boundary lines of the district; and to prohibit the replacement of the equipment of a fire district or volunteer fire department which has been annexed into a municipality inferior or lessor quality equipment.

Representative Fuller, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 372. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

LEAVES OF ABSENCE

At the request of Representative Sanderford, leave of absence was granted for Representative Haney.

Also:

At the request of Representative Gullatt, leave of absence was granted for Representative Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Campbell, Owens, Foshee, Lindsey, Dial, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 25. DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Anderson, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 25, the title of which is set out in the foregoing Message from the Senate.

NOTICE IN WRITING FILED

Representative Venable filed the following Notice in Writing:

Notice is hereby given that the House rules be amended as follows:

Rule 13. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.

(a) When a Senate bill that is identical to a House bill that is up for consideration is on the calendar it shall be permissible for a member to substitute said Senate bill for said House bill upon a motion carried by a majority of those voting.

LEAVE OF ABSENCE

At the request of Representative Hawkins, leave of absence was granted for Representative Rogers (F).

RESOLUTIONS

The following resolutions were introduced:

By Representatives Mathis, Clark (J) and Holley:

H.J.R. 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Judge George A. Black who retired January 19, 1993, following 32 years of dedicated service as District Judge of Geneva County; and

WHEREAS, Judge Black, a highly respected member of the community, whose family roots run deep in the political affairs of Geneva County, graduated from Geneva High School, attended Morgan Preparatory College in Pittsburgh, Pennsylvania, and, following service in the United States Army, earned his law degree from the University of Alabama and returned home to practice law; and

WHEREAS, Judge Black was first appointed to the bench in 1961 as Inferior Court Judge, later to be titled District Court Judge, and ran unopposed in six elections to hold the position for more than three decades; and

WHEREAS, a man of noble character and an able jurist, he could be compassionate, or firm and intense in his judgement, but was always just and equitable in his administration of the law; and

WHEREAS, a devoted member of the First Baptist Church, Judge Black is also a member of the Geneva County Bar Association, Veterans of Foreign Wars, American Legion, and the Geneva Quarterback Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of long and dedicated service to our judicial system, the Geneva County community and state, we hereby most highly commend Judge George A. Black, for whom a copy of this resolution shall be provided as an expression of our gratitude and esteem.

The resolution, H.J.R. 89, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Mathis, Carothers and Beasley:

H.J.R. 90. RECOGNIZING DOUG BRADFORD OF THE DOTHAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the retirement, December 31, 1993, of Doug Bradford following more than 41 years of dedicated service to The Dothan Eagle; and

WHEREAS, Doug Bradford, a native of Jasper, served in the United States Navy, attended the University of Missouri, earned his degree from the University of Alabama, and came to Dothan in 1952 as a "general assignment" reporter with The Dothan Eagle; and

WHEREAS, over the next four decades of his career, his name became synonymous with that of The Dothan Eagle, as he served successively as sports editor for 25 years, news editor, managing editor, and editorial page editor, and his integrity, professionalism, leadership and strength of conviction as a journalist, and his character as a man, earned the admiration and respect of his peers and readers alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding professional achievement and service to the Dothan community, we hereby most highly commend Doug Bradford, and direct that he receive a copy of this resolution of sincere regard and best wishes for every future happiness and success in life.

The resolution, H.J.R. 90, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Biddle:

H. 504. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Hammett, Gullatt, Carothers, Flowers, White, Turner, Williams, Laird, Dolbare, Harvey, Campbell, and Parker (P):

H. 505. To amend Section 16-5-8, Code of Alabama 1975, to provide for a uniform articulation agreement among all institutions of higher education.

COMMITTEE ON EDUCATION

By Representative Turner (With Notice and Proof):

H. 506. Relating to the municipality of Wilmer in Mobile County; to provide for a referendum election on the question of dissolution of the municipality of Wilmer and for the transfer of certain municipal services, including radio communication, should the voters elect to dissolve the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 506, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morton, Rogers (J), and Newton (D):

H. 507. To exempt the Birmingham Area Library Service, Inc., from the payment of all state, county, and municipal sales and use taxes and license taxes, and to exempt all property owned and used by it from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Sanderson:

H. 508. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud; to expand definitions; to authorize the registration of charitable organizations, nonprofit organizations, professional fundraisers, professional solicitors, and professional fundraising consultants with the Attorney General and require a registration fee and bond for certain organizations, persons, or entities; to provide for the filing by charitable organizations and professional fundraisers, professional solicitors, and professional fundraising consultants of an annual written financial report and the filing of all contracts between charitable organizations and professional fundraisers or professional fundraising consultants; to designate the Secretary of State as agent for service of process for nonresident charitable organizations, professional fundraisers, professional solicitors, and professional fundraising consultants; to clarify the civil remedies available to the Attorney General, the district attorney, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy; to repeal Sections 13A-9-73, 13A-9-74, and 13A-9-75, Code of Alabama 1975; and to impose further criminal penalties.

COMMITTEE ON JUDICIARY

By Representatives Higginbotham and Turnham:

H. 509. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Freeman:

H. 510. To amend Section 41-9-247, Code of Alabama 1975, to provide further for the Executive Director of the Alabama Historical Commission.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 511. To amend further Section 32-9-20, Code of Alabama 1975, as amended by Act No. 93-308, H. 768, 1993 Regular Session (Acts 1993, p. 459), relating to the schedule of restrictions imposed on motor vehicles traveling on state highways, to provide for a waiver of penalties for excessive weight when a wrecker or tow truck is required to remove a disabled motor vehicle from a highway to a repair shop.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Hall (L), Butler, Page, and Freeman:

H. 512. To regulate and provide procedures for personnel records of public school employees.

COMMITTEE ON EDUCATION

By Representatives Hall (L), Perdue, McClain, and Freeman:

H. 513. To provide for certain definitions; to provide that with certain exceptions, it shall be unlawful for a juvenile to be in possession of a firearm, full automatic weapon, or deadly weapon; to provide that it shall be a crime for a parent or guardian to intentionally, knowingly, or recklessly provide a firearm, full automatic weapon, or deadly weapon to a juvenile, fail to stop the commission of certain crimes by the juvenile, or remove from the juvenile the firearm, full automatic weapon, or deadly weapon; to provide for the enhancement of the offense for an adult who has in the past been adjudicated as a juvenile offender for the commission of certain crimes; to create a rebuttable presumption that a juvenile would present a serious threat of substantial harm to himself or herself or the community; to provide for a minimum mandatory period of detention for a juvenile adjudicated as a juvenile offender for the commission of a crime that would have been a misdemeanor; to provide that if a person is convicted of violating this act or is adjudicated as a juvenile offender, than a judgement for cost shall be entered in favor of the state; and to provide penalties.

COMMITTEE ON JUDICIARY

By Representatives Gaston, Clark (J), Harper, Butler, McMillan, Turnham, Penry, Rockhold, Gullatt, Black (M), McClain, Rogers (J), Kennedy, Hooper, McDaniel, Hammett, Fuller, Knight (J), Holladay, Burke, Campbell, Parker (T), Dolbare, Starkey, Spratt, Hilliard, Sanderford, Gaines, Anderson, Crow, Holley, Venable, Newton (C), Carothers, Mathis, Freeman, Buskey, Clark (W), Payne, Carns, Biddle, Richardson, Goodwin, Willis, Cagle, Mikell, and Clay:

H. 514. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Rogers (J) and McClain:

H. 515. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representative Haynes:

H. 516. To authorize any custodial parent, guardian, and the Department of Human Resources, or any one of them, to bring a civil action to establish an order of past due support for a minor child or children for any period in which a parent had an obligation to provide support and failed to do so.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J) and McClain:

H. 517. Relating to state funds appropriated for substance abuse treatment; establishing an Office of Substance Abuse Treatment Allocation within the State Department of Public Health to distribute those funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J) and McClain:

H. 518. To amend Section 13A-5-9 of the Code of Alabama 1975, relating to the sentencing of criminal defendants who have been previously convicted of certain felonies; to further provide for the cases in which the sentence of a criminal defendant will be enhanced; and to provide review of certain individuals currently sentenced to life without parole for possible release.

COMMITTEE ON JUDICIARY

By Representatives Rogers (J) and McClain:

H. 519. Relating to drug abuse and alcoholism prevention and treatment; to establish a state committee on drug abuse and alcoholism; to develop a comprehensive drug abuse and alcoholism plan; and to establish a Drug Abuse and Alcoholism Division within the Department of Mental Health and Mental Retardation.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines, Hill, Knight (A), Millican, Curry, Sanderson, and Petelos:

H. 520. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any Alabama state junior college, state college, or state university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

COMMITTEE ON WAYS AND MEANS

By Representative Holladay:

H. 521. To provide that the attorney representing the IV-D agency in a support enforcement action brought by the Department of Human Resources represents the State of Alabama only, that no attorney-client relationship exists between the agency client and the IV-D attorney, and that in a IV-D action, the IV-D attorney is only authorized to represent and address support issues.

COMMITTEE ON JUDICIARY

By Representative Dolbare:

H. 522. To define the criteria for determining who is an "archaeologist."

COMMITTEE ON JUDICIARY

By Representative Clay:

H. 523. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract.

COMMITTEE ON INSURANCE

By Representatives Rockhold, Gaston, Kvalheim, Zoghby, Turner, Gullatt, McMillan, Mikell, Fuller, Hall (A), Hooper, Haney, Hill, Butler, McKee, Mathis, Sanderford, Cullins, Cosby, Letson, Millican, Morrow, Layson, Payne, Biddle, Richardson, Blakeney, Beasley, Walker, Bowling, and Hogan:

H. 524. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may referend statutes or local resolutions and ordinances by local governing bodies.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

The above bill was read a first time at length as required by the Constitution.

By Representatives Rockhold, Turner, Clark (W), and Blakeney:

H. 525. To amend Section 36-6-291, Code of Alabama 1975, to provide further for the purchase of distinctive motor vehicle license plates or tags by certain retired military.

COMMITTEE ON WAYS AND MEANS

By Representative Collins:

H. 526. To amend Section 40-13-6 of the Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

COMMITTEE ON WAYS AND MEANS

By Representative McDowell:

H. 527. To amend Sections 15-25-1, 15-25-3, 15-25-30, 15-25-31, and 15-25-39, Code of Alabama 1975, so as to provide that in criminal proceedings involving physical offenses against a child, the victim and witnesses be treated in the same manner as for certain children under the age of 16 involving sexual abuse, sexual offenses, and sexual exploitation, relating to testifying, use of electronic equipment, court appearances, and admissibility of certain evidentiary matters of a material nature.

COMMITTEE ON JUDICIARY

By Representative Butler (With Notice and Proof):

H. 528. Relating to Madison County; authorizing the county commission to prepare certain sites and adjacent property in the county, accessible by the public, for parks and recreational and public purposes; providing that the county may expend public funds for the purposes of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McClain, Rogers (J), Newton (D), Hawkins, Barnes, Sanderson, and Gaines:

H. 529. To exempt the 44th National Square Dance Convention, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Walker:

H. 530. To prohibit any person from hunting while under the influence of alcohol or controlled substances and provide for criminal punishment for violations of this act; to provide for cumulative effect.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 531. To amend Section 36-21-11 of the Code of Alabama 1975, relating to preference given to police officers and firefighters for treatment of diseases without a known cure to provide that treatment would be given at no cost.

COMMITTEE ON HEALTH

By Representative Flowers:

H. 532. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Barnes, McClain, and Newton (D) (With Notice and Proof):

H. 533. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 533, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Richardson, Lindsey, Burke, Harvey, and Drake:

H. 534. To amend Section 40-23-4 of the Code of Alabama 1975, to provide further for certain sales tax exemptions.

COMMITTEE ON WAYS AND MEANS

By Representative Bowling:

H. 535. To authorize the merger of Wallace State Community College at Hanceville with the Auburn University System; and to provide for the property and personnel of the college.

COMMITTEE ON WAYS AND MEANS

By Representative Holmes:

H. 536. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71, and 40-18-82, Code of Alabama 1975, by repealing the income tax credits provided to the State Industrial Development Authority; and to provide that this amendatory act shall be retroactive to August 25, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Holmes:

H. 537. To repeal Section 41-10-44.8 of the Code of Alabama 1975, as added by Act No. 93-851, H. 27, 1993 First Special Session (Acts 1993, p. ____), relating to industrial development; and to provide that the repeal of this section shall be retroactive to August 25, 1993.

COMMITTEE ON WAYS AND MEANS

By Representatives Biddle and Payne:

H. 538. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Jefferson County Board of Education for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (F) (With Notice and Proof):

H. 539. To alter, rearrange and extend the boundary lines and corporate limits of the City of Graysville, Jefferson County, annexing certain territory to the city.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 539, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird and Turner:

H. 540. To amend Section 9-11-32, Code of Alabama 1975, relating to the dates that hunting and fishing licenses are valid, so as to further provide for the dates or time period that certain hunting and fishing licenses are valid.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Powell:

H. 541. To require that certain persons employed as insurance agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for compliance form filing fees and late filing fees to be paid by agents and brokers, education course provider filing and renewal fees, education course or program approval filing fees, education course instructor filing fees, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; and to provide for balances in the fund to carry forward each fiscal year.

COMMITTEE ON INSURANCE

By Representatives Barnes, McClain, Payne, Carns, and Rogers (J):

H. 542. To permit the State Youth Services Director to appoint or employ persons to serve as police officers for the Department of Youth Services and specify the powers and duties of the officers.

COMMITTEE ON JUDICIARY

By Representative Haynes:

H. 543. To provide that each state, county, city, or local education employee and each member of the Employees' Retirement System of Alabama who changes employment to transfer the maximum number of accrued sick leave days.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Smith (R), Payne, and Newton (C):

H. 544. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

COMMITTEE ON SMALL BUSINESS

By Representative Harper:

H. 545. Relating to the sales and use tax; to further provide for the collection of sales or use tax on the installation of a product for a tax exempt entity by the manufacturer of the product; to amend Sections 40-23-120 and 40-23-121, Code of Alabama 1975, to further provide for the good faith collection of the tax; and to provide for retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 546. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 547. To make a supplemental appropriation from the State Health Planning Agency Certificate of Need Fund in the State Treasury to the State Health Planning Agency for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 548. To establish the Board of Electrical Inspections and an Electrical Division within the Alabama Department of Labor; to provide for the certification and recertification of those performing electrical work within the scope of the National Electrical Code; to provide for standards and the inspection of electrical work; to provide for exceptions; and to provide penalties for practicing without; and to provide for the collection of fees.

COMMITTEE ON BUSINESS AND LABOR

RESOLUTIONS

The following resolutions were introduced:

By Representatives Kvalheim and Gaston:

H.J.R. 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of M. A. "Bubba" Marsal of Mobile, Alabama, on November 4, 1993; and

WHEREAS, Mr. Marsal, a prominent attorney and a native and lifelong resident of Mobile, was engaged in the practice of law for some 43 years, and was a member of the prestigious law firm of Seale, Marsal, & Seale; and

WHEREAS, he was a graduate of the University of Alabama School of Law, and served in the United States Air Force during World War II; and

WHEREAS, the lamentable death of M. A. Marsal has indeed left an unfathomable void in the life of the Mobile community, and in the hearts of his beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That grievously mourned is the death of M. A. "Bubba" Marsal of Mobile, Alabama, and deepest sympathy is hereby extended to his wife, Mrs. Ann Fitzgerald Marsal; daughter, Mrs. Patrick A. (Beth) McFarlane; sons, L. A. (Tony) Marsal, J. R. (Ronny) Marsal, and W. A. (Andy) Wing; sister, Mrs. Elliot J. (Margie) Nicholson, Mrs. John D. (Catherine) West, Mrs. John O. (Patricia) Vetter, Mrs. Joyce Marsal Guth, and Mrs. Sharon Ann Bilbo; to his eight grandchildren; and to other family members for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 91, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the selection of T. Keith King of Mobile as the recipient of the 1992-93 Distinguished Service Award by the National Council of Examiners for Engineering and Surveying (NCEES); and

WHEREAS, this prestigious award, bestowed each year at the NCEES annual meeting, is given to members who have greatly contributed to their state board, to NCEES, and/or to the advancement of professional registration; and

WHEREAS, in meeting or excelling all criteria, it is to be noted that Keith King, P.E., has served seven years on the Alabama Board of Registration for Professional Engineers and Land Surveyors; is currently serving a second term as board chairman, having served two previous terms as vice-chairman and one term

as secretary; is in his fourth year on the NCEES Committee on Law Enforcement and his second year on the Committee on Uniform Procedure and Legislative Guidelines; and has served on several other important council committees, as well; and

WHEREAS, further, Mr. King not only makes regular presentations to engineering students and various engineering societies, but also speaks frequently on the subject of the continuing education program required by the state, and represents the Alabama Board at biannual certificate presentation programs for newly registered engineers; and

WHEREAS, Mr. King, as president and CEO of David Volkert Associates, and in keeping with the firm's professional priorities, has initiated an aggressive in-house program of continuing education, and stresses a 100% registration goal for all its engineers and land surveyors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend T. Keith King of Mobile, Alabama, as the recipient of the NCEES Distinguished Service Award and for distinguished professional achievement, and do further direct that he receive a copy of this resolution of highest personal regard.

The resolution, H.J.R. 92, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gaston and Buskey:

H.J.R. 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Doris A. Dortch of Mobile, Alabama, as recipient of the 1993 National Education Association's Educational Support Personnel of the Year Award; and

WHEREAS, Ms. Dortch, who was featured on the cover of the September issue of NEA Today, has faithfully served the Mobile County Public School System for the past 24 years in such capacities as secretary at Frazier School, as a teacher's aid at Hillsdale School, and presently as secretary at the Environmental Studies Center; and

WHEREAS, she currently serves as a member of the Alabama Education Association (AEA) Board of Directors, and has served in other such leadership positions as president of the Education Support Personnel Division of AEA (1992-1993); as president, vice-president, and treasurer of the ESPO Mobile local organization; and has chaired for the ESPO Caucus at an NEA Representative Assembly; and

WHEREAS, Ms. Dortch is also an active member of Midway Baptist Church and the Hillsdale Area Community Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievement, we hereby most highly commend and congratulate Doris A. Dortch, for whom a copy of this resolution of sincere tribute shall be provided.

The resolution, H.J.R. 93, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, notes the selection of Dr. Lacey E. Powell, Jr., of Mobile, Alabama, as the 1993 Music Educator of the Year; and

WHEREAS, bestowed by the Alabama Music Association, the award recognizes significant contributions toward initiating or enhancing music education at the local, regional, state or national levels; and

WHEREAS, Dr. Powell earned his B.S. degree from Troy State University, Master's degree from Vandercook College and a Ph.D. from the University of Alabama, and served as music supervisor for the Mobile County public schools before assuming his position as the first Director of Bands at the University of South Alabama in 1965; he further served as Director for the Spirit of Mobile Marching 200 Band in 1976; and

WHEREAS, over the course of his career, Dr. Powell has served in leadership positions with numerous professional organizations including the Alabama Music Educators Association, the Alabama Bandmasters Association and the American School Band Directors' Association, among others; and

WHEREAS, he has been published in *Ala Breve*, *The Instrumentalist*, *Music Educators Journal*, and *School Musician-Director*, and his notable accomplishments have been distinguished by such honors and awards as Outstanding Educator of the Year (1971), Troy State University Alumnus of the Year (1993), and the first annual Outstanding Music Educators Award at Troy State University (1992); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions in music education, highest commendation is hereby accorded Dr. Lacey E. Powell, Jr., for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 94, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gaston and Kvalheim:

H.J.R. 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and regret that the Legislature of Alabama records the untimely death of Kenneth Charles Lambert of Mobile, Alabama, on September 25, 1993, at the age of just 59 years; and

WHEREAS, born in Atmore, Alabama, on January 11, 1934, Mr. Lambert graduated from Mobile's Murphy High School, received a Bachelor of Science degree in commerce and business administration from the University of Alabama (1960), and was awarded a Master's degree in business administration from the University of Southern Mississippi (1973); and

WHEREAS, Mr. Lambert, who rendered invaluable service to the Mobile County Public School System for more than three decades (1960-1993), held successive positions as Supervisor of Purchasing, Director of Purchasing and, in final capacity, Treasurer-Comptroller for the system; and

WHEREAS, he was a member of the Forest Hill United Methodist Church, Phi Delta Kappa, and the Alabama Council for School Administrators and Supervisors; he also served twice as president of the Alabama Association of School Business Officials, was a past president of the Alabama Association of School Office Personnel, and had served on the Board of Directors of the Southeastern Association of School Business Officials, among other professional and civic leadership roles; and

WHEREAS, Mr. Lambert's lamentable death has indeed left an unfathomable void in the life of the community, and in the hearts of his beloved family, many friends, and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Kenneth Charles Lambert of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Carolyn Galloway Lambert, to his son and daughter, Dr. Kenneth Charles Lambert, Jr., and Mrs. Michael David (Karen Lynn) Rodriguez; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

The resolution, H.J.R. 95, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 96. RECOMMENDING TO PROFESSIONAL LICENSING BOARDS THAT THEY APPOINT CONSUMERS TO THEIR BOARDS.

WHEREAS, the structure of many professional licensing boards results in the members of the boards being appointed from the membership of the profession the boards license; and

WHEREAS, the licensing and regulation of a profession affects not only the members of the profession licensed, but also the members of the public and consumers who the professionals provide services to; and

WHEREAS, it is prudent that the members of professional licensing boards receive input from the public and consumers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the professional licensing boards of this state are urged to take steps to add consumer representation on their boards in order to give the boards the broad perspective to carry out their legal duty.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each professional licensing board in this state.

The resolution, H.J.R. 96, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 42, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 73, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Cagle, the Budget Isolation Resolution and the bill, H. 136, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hogan, the Budget Isolation Resolution and the bill, H. 271, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Crow, the Budget Isolation Resolution and the bill, H. 278, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Gullatt, the Budget Isolation Resolution and the bill, H. 85, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 236, was adopted.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Buskey, Carns, Clark (W), Collins, Curry, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Harper, Hill, Kennedy, Knight (A), Kvalheim, McClain, McKee, Melton, Mikell, Morrow, Morton, Page, Parker (P), Payne, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable and Walker.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bryant, Buskey, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Hall (A), Hamilton, Harper, Hill, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable and Willis.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 271, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bryant, Buskey, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Harper, Hill, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Payne, Penry, Poole, Richardson, Rockhold, Smith (C), Spratt, Starkey, Turnham, Venable, Walker and Willis.

-53

And the bill:

H. 271. Relating to Walker County and the 14th Judicial Circuit, to amend Section 2 of Act No. 91-503, H. 1018 of the 1991 Regular Session (Act 1991, p. 892), by providing that hazardous duty pay shall be paid only to deputy sheriffs and jailers employed by and working under the direct supervision of the Sheriff of Walker County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (M), Bryant, Buskey, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Harper, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Payne, Penry, Rockhold, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 240 RECOMMITTED

On motion of Representative Harper, the Speaker recommitted the bill, H. 240, from the Calendar to the Standing Committee on Local Legislation No. 3.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Haynes, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 398.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 398, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Bryant, Carns, Carothers, Clark (W), Crow, Cullins, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Penry, Petelos, Rockhold, Smith (C), Smith (R), Starkey, Venable and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 398. Relating to Talladega College, granting certain persons employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Crow, Cullins, Dolbare, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Powell, Rockhold, Smith (C), Smith (R), Spratt, Starkey, Venable and Willis.

-53

H. 234 AGAIN TAKEN UP

And the bill:

H. 234. (With Substitute): To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

as amended on the third legislative day, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, which were temporarily carried over on the fifth legislative day were again taken up.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 234, as amended, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, were temporarily carried over.

H. 105 AGAIN TAKEN UP

And the bill:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

which was taken up on the fifth legislative day was again taken up.

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 105:

On page 2, line 19, after the period following the word "dwelling", delete the following on lines 19, 20 and 21:

The primary house or home of a fraternity or sorority chartered or approved by an institution of higher education is not a residence.

On page 3, lines 8, 9, 10, delete Section 4 in its entirety and renumber succeeding sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 6.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Bryant, Burke, Buskey, Butler, Cagle, Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall (A), Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Layson, McClain, McMillan, Melton, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Rockhold, Rogers (J), Sanderford, Smith (C), Spratt, Turner, Turnham and Willis.

-54

Nay:

Representatives Carns, Gaines, Hamilton, Knight (A), McKee and Sanderson.

- 6

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 105, as amended:

On page 3, line 7, delete "B" and insert in lieu thereof: A

AMENDMENT LOST

And the amendment was lost.

Yeas 14; Nays 49.

Yea:

Representatives Barnes, Black (L), Box, Bryant, Buskey, Clark (W), Hilliard, Holmes, Kennedy, Knight (J), McClain, Petelos, Rogers (J) and Spratt.

-14

Nay:

Mr. Speaker, Biddle, Burke, Butler, Cagle, Carns, Carothers, Carter, Crow, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Laird, Mathis, McKee, McMillan, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderson, Smith (C), Smith (R), Turner, Venable, Walker and Willis.

-49

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 105, as amended:

To amend H. 105 on page 2 by deleting lines 17 through 21 in their entirety and inserting in lieu thereof the following: "(7) RESIDENCE. For the purpose of this act, a residence is a primary house or home of a fraternity or sorority chartered or approved by an institution of higher education."

Further amend the bill on page 1 by deleting lines 18 through 21 in their entirety and inserting in lieu thereof the following: "residence."

Further amend the bill on page one on line 29 by deleting after the first semi colon the following: "to provide exemptions;"

AMENDMENT TABLED

On motion of Representative Freeman, the amendment offered by Representative Rogers (J) to the bill, H. 105, as amended, was tabled.

Yeas 27; Nays 26.

Yea:

Representatives Beasley, Burke, Butler, Carter, Crow, Curry, Freeman, Gaston, Hall (A), Hamilton, Hammett, Harvey, Hill, Holladay, Knight (A), Kvalheim, Lindsey, McDaniel, McKee, Morrow, Newton (C), Parker (T), Powell, Richardson, Venable, Walker and Willis.

-27

Nay:

Representatives Barnes, Biddle, Black (L), Bryant, Buskey, Carns, Clark (W), Clay, Dolbare, Drake, Gaines, Gullatt, Hall (L), Hawkins, Hilliard, Holmes, Kennedy, Knight (J), McClain, Melton, Newton (D), Payne, Perdue, Petelos, Rogers (J) and Spratt.

-26

MOTION TO RECESS LOST

The motion offered by Representative Dolbare that the House recess until 1:30 o'clock p.m. was lost.

H. 105 RESUMED

And the bill, H. 105, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 27.

Yea:

Representatives Beasley, Burke, Butler, Cagle, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Freeman, Gaston, Gullatt, Hall (A), Hammett, Harvey, Haynes, Hill, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Turner, Venable, Walker, Williams and Willis.

-50

Nay:

Representatives Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey, Carns, Clark (W), Dolbare, Drake, Gaines, Hall (L), Hawkins, Hilliard, Holladay, Holley, Holmes, Kennedy, Knight (J), McClain, McDowell, Newton (D), Payne, Perdue, Rogers (J) and Spratt.

-27

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 26, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Williams and Willis.

-73

And the bill:

H. 26. To amend Section 21-7-4, Code of Alabama 1975, relating to rights of blind and disabled persons to have access to public places and accommodations, and to have the use of guide and hearing dogs, so as to provide for the use of assistance dogs by those persons.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Walker, Williams and Willis.

-79

CO-SPONSORS ADDED

Representatives Barnes, Beasley, Biddle, Bowling, Box, Bryant, Burke, Buskey, Cagle, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Gaston, Hamilton, Harvey, Haynes, Hill, Hilliard, Hogan, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Williams and Willis were added as co-sponsors to the bill, H. 26.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Butler offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 25.

MOTION TO ADJOURN LOST

The motion offered by Representative Barnes that the House adjourn was lost.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Butler to adopt the Budget Isolation Resolution relating to the bill, H. 25, and the Budget Isolation Resolution was adopted.

Yeas 80; Nays 5.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Williams and Willis.

-80

Nay:

Representatives Buskey, Clark (W), Hilliard, Kennedy and Rogers (J).

- 5

And the bill:

H. 25. (With Amendment): Amending Section 13A-12-200.1, Code of Alabama 1975, to include topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obsecenity Enforcement Act.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 25 on Page 1, Line 12, before the word "topless" by inserting the following language: for monetary consideration

Also amend House Bill 25, Page 1, Line 20, before the word "topless" by inserting the following language: for monetary consideration

Also amend House Bill 25, Page 2, Line 16, before the word "topless" by inserting the following language: for monetary consideration

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harvey, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, Williams and Willis.

-79

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 25, as amended:

To amend H. 25 on page 5, line 22 by deleting the period and inserting the following: "and after approval of a statewide referendum which shall be held at the next general, special or primary election. Such referendum shall be subject to the same requirements of a constitutional amendment referendum."

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Rogers (J) offered the motion to indefinitely postpone the bill, H. 25, as amended, and the pending amendment offered by him.

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn was lost.

H. 25 RESUMED

The question was then on the motion offered by Representative Rogers (J) to indefinitely postpone the bill, H. 25, as amended, and the pending amendment offered by him.

MOTION IN WRITING OFFERED

Representative Butler offered the following Motion in Writing relating to the bill, H. 25, as amended:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 42; Nays 20.

Yea:

Representatives Biddle, Burke, Butler, Cagle, Campbell, Carns, Carter, Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Hamilton, Harvey, Hill, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Lindsey, McKee, McMillan, Mikell, Millican, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (R), White and Willis.

-42

Nay:

Representatives Barnes, Beasley, Black (L), Bryant, Buskey, Clark (W), Dolbare, Holmes, Kennedy, Knight (J), Laird, McClain, McDowell, Newton (D), Perdue, Rogers (J), Sanderson, Spratt, Venable and Williams.

-20

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Representative Rogers (J) to indefinitely postpone the bill, H. 25, as amended, and the pending amendment, and the motion to indefinitely postpone was lost.

Yeas 13; Nays 71.

Yea:

Representatives Barnes, Bryant, Buskey, Clark (W), Hall (L), Hilliard, Kennedy, McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

-13

Nay:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, White, Williams and Willis.

-71

AMENDMENT LOST

The question was then on the adoption of the amendment offered by Representative Rogers (J) to the bill, H. 25, as amended, and the amendment was lost.

Yeas 16; Nays 70.

Yea:

Representatives Barnes, Bryant, Buskey, Clark (W), Hall (L), Hilliard, Holmes, Kennedy, Knight (J), McClain, McDowell, Newton (D), Perdue, Rogers (J), Sanderson and Spratt.

-16

Nay:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Turner, Turnham, Venable, White, Williams and Willis.

-70

And the bill:

H. 25. Amending Section 13A-12-200.1, Code of Alabama 1975, to include for monetary consideration topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obsecenity Enforcement Act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 13.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, White, Williams and Willis.

-75

Nay:

Representatives Barnes, Bryant, Buskey, Clark (W), Hall (L), Hilliard, Kennedy, McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

-13

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 97. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

The following resolution was introduced:

By Representative Parker (T):

H.J.R. 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

WHEREAS, the Alabama Sports Hall of Fame was established for the primary purpose of recognizing those Alabamians who have made outstanding contributions to sports in Alabama, or elsewhere, through achievement or service; and

WHEREAS, among the outstanding sports dignitaries selected for induction into the 1994 Alabama Sports Hall of Fame is Paul Crane, head football coach and athletic director at McGill Toolen High School, Mobile, and a former All-American (1965) linebacker for the University of Alabama under Coach Paul "Bear" Bryant; and

WHEREAS, Paul Crane, a three-year starter and a member of the Crimson Tide's 1964 and 1965 National Championship teams, was selected Southeastern Conference Lineman of the Year in 1965; was a captain on the 1965 National Championship team, and was a member of the team of the decade for the 1960's, among numerous other outstanding honors; and

WHEREAS, as a player for the NFL's New York Jets (1966-1973), Paul Crane made his mark in pro football-- as he had during his collegiate career at Bama, and as a prep star at Vigor High School--and was a teammate of Joe Namath's on the 1969 Super Bowl Championship team; and

WHEREAS, Paul Crane, also during his sports career, served as linebacker coach at Alabama under Coach Bryant, and defensive coordinator at the University of Mississippi; and

WHEREAS, although the majority of his outside activities have revolved around sports, Paul Crane has always given generously of his time and talent in support of many worthy causes, including the Arthritis Foundation, which honored him with its Distinguished Service Award; Catholic Youth Organization of Mobile, as executive director for the past eight years; Volunteers of America Sports Camp for Youth; Explorers Olympics, Black Warrior Council (Chairman, 1973); the board of Mobile Sports Hall of Fame, and the Senior Bowl Committee, among other positions of leadership; and

WHEREAS, Paul Crane is indeed a man of exemplary character, a dedicated Christian, and an outstanding athlete for whom 1994 is the year of his induction into the Alabama Sports Hall of Fame, the celebration of his 50th

birthday, the 25th anniversary of the New York Jets' Super Bowl victory, and the awarding of his Master's degree from the University of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and on the occasion of his induction into the Alabama Sports Hall of Fame, we hereby most highly commend Paul Crane, an Alabamian in whom we are justly proud, and to whom a copy of this resolution shall be presented.

The resolution, H.J.R. 98, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 25. Amending Section 13A-12-200.1, Code of Alabama 1975, to include for monetary consideration topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

TOMMY CARTER
Chairman

And the bill, H. 25, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Spratt:

H.R. 99. MOURNING THE DEATH OF JAMES J. MOSS OF BIRMINGHAM, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Figures, deGraffenried, Lindsey, Floyd, Windom, Hale, Owens, Wilson, Foshee, Horn, Little, Dial, Denton, Sanders, Waggoner, and Barron:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in public schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of elementary and secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to require certified teachers to pass the National Teachers' Examination; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to create the Legislative Oversight Committee on Education Reform; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to provide for a procedure for the suspension of educational employees; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams

in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; to provide for a system of reporting by institutions of higher learning to be known as the College Readiness Report; to provide further for access and privacy rights for school personnel records; to provide that this act shall be implemented and administered in strict compliance with Amendment No. 284 to the Constitution of Alabama of 1901 and shall be subject to the Alabama Administrative Procedure Act; to provide for local boards of education responsibilities concerning the number of teacher units; to specify what constitutes a financial interest for a municipal governing body official; to provide that any and all mandates in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriation of a local school board or boards for the purposes of implementing the mandates; to adopt certain commentary; to provide for parental involvement; to provide for annual report cards on schools; to require a plan to reduce teacher paperwork by 25 percent; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 75. Ways and Means.

ADJOURNMENT

On motion of Representative Campbell, the House adjourned until 1:00 o'clock p.m., Tuesday, February 1, 1994.

EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 1, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James Cullins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Somers, 9th Grade, Montgomery Academy, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the seventh legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Rockhold, leave of absence was granted for Representative Zoghby.

Also:

At the request of Representative Hawkins, leave of absence was granted for Representative Rogers (F).

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

On motion of Representative Carter, the resolution, H.J.R. 89, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 90. RECOGNIZING DOUG BRADFORD OF THE DOTHAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

On motion of Representative Carter, the resolution, H.J.R. 90, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 91, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 92, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 93, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

On motion of Representative Carter, the resolution, H.J.R. 94, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 95, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

On motion of Representative Carter, the resolution, H.J.R. 98, was adopted.

BILLS ON SECOND READING

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 66. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Cullins (With Notice and Proof):

H. 549. Relating to Tallapoosa County; authorizing the additional fee on civil and criminal cases in the county with the proceeds to be used for the operation and maintenance of the county jail; and providing for the levy of the fee, effective July 1, 1994.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Fuller, Beasley, Payne, Dolbare, Carns, Gaines, Johnson, Sanderson, Mikell, Bowling, Sanderford, Knight (A), Hooper, Willis, Laird, Walker, Hawkins, Smith (R), Haney, and Crow:

H. 550. To provide for "The Revised Alabama Education Improvement Act of 1994"; to amend Section 12-15-13, Code of Alabama 1975, relating to the delinquency of children, to provide that a parent or guardian may be punished for failure of the child to pursue academic and standards of conduct of the public schools and to prescribe penalties; to amend Chapters 1, 3, 4, 8, 10, 11, 13, 23, 27, 35, 36, and 60 of Title 16, Code of Alabama 1975, relating to education, to provide standards for equal and adequate educational opportunities in all public schools of the state; to amend Section 25 of "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session, to provide that all mandates of this act shall be implemented after passage of the act and signature of the Governor; to provide for certain penalties for violating certain injunctions concerning school safety; and to specifically repeal Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Holley (With Notice and Proof):

H. 551. Relating to Coffee County; providing for the fee for the issuance of pistol permits; providing for the deposit of distribution of the funds; and repealing Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 551, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Blakeney:

H. 552. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Holley (With Notice and Proof):

H. 553. Relating to Coffee County; providing for the appointment of deputy coroners.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Cagle, Ford, Dolbare, Curry, Spratt, White, Freeman, Rogers (J), Butler, Hilliard, Rockhold, Letson, McClain, Flowers, Page, Millican, Box, Hogan, Fuller, Black (M), Carter, Bowling, and Parker (T):

H. 554. To amend Section 25-4-72 of the Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits.

COMMITTEE ON WAYS AND MEANS

By Representative Carter (With Notice and Proof):

H. 555. Relating to Limestone County; authorizing the Limestone County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 555, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (J):

H. 556. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1990 census.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Knight (A):

H. 557. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules, and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract for services, to purchase real and personal property, to construct and operate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporations from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to authorize the governing bodies to establish fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees; to confirm the continuing authority of the Alabama Department of Environmental Management and other state agencies; to declare the severability provisions and to establish an effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Powell:

H. 558. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs, to increase the penalties and sanctions for a fourth and subsequent conviction.

COMMITTEE ON JUDICIARY

By Representatives Rockhold, Turner, Gaston, and Kvalheim (With Notice and Proof):

H. 559. To exempt the Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 559, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), McDowell, McClain, and Barnes:

H. 560. To prohibit the possession or use of certain assault type weapons; and to provide exceptions and penalties.

COMMITTEE ON JUDICIARY

By Representatives Gaston, Rockhold, Kvalheim, Harper, and Kennedy:

H. 561. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

COMMITTEE ON WAYS AND MEANS

By Representatives McDowell, Rogers (J), and Newton (D):

H. 562. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud; to expand definitions; to authorize the registration of charitable organizations, nonprofit organizations, professional fundraisers, professional solicitors, and professional fundraising consultants with the Attorney General and require a registration fee and bond for certain organizations, persons, or entities; to provide for the filing by charitable organizations and professional fundraisers, professional solicitors, and professional fundraising consultants of an annual written financial report and the

filing of all contracts between charitable organizations and professional fundraisers or professional fundraising consultants; to designate the Secretary of State as agent for service of process for nonresident charitable organizations, professional fundraisers, professional solicitors, and professional fundraising consultants; to clarify the civil remedies available to the Attorney General, the district attorney, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy; to repeal Sections 13A-9-73, 13A-9-74, and 13A-9-75, Code of Alabama 1975; and to impose further criminal penalties.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 563. To provide that a person requesting medical records shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Flowers:

H. 564. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

COMMITTEE ON JUDICIARY

By Representatives Curry, Butler, Hill, Collins, Biddle, Millican, Hall (A), Sanderford, McDaniel, Laird, Johnson, Payne, Carns, Gaines, McClain, Barnes, Burke, Mikell, Harvey, Ford, Smith (R), Petelos, Kennedy, White, Clay, Newton (C), Layson, McMillan, Poole, Clark (W), Willis, Kvalheim, Penry, Turner, Holladay, Turnham, Bowling, Morrow, Melton, Haynes, Knight (A), Mathis, Morton, Letson, Crow, Hogan, Gullatt, McDowell, Campbell, Newton (D), Black (M), Lindsey, Flowers, Carothers, Hilliard, Parker (T), Freeman, and Hammett:

H. 565. To establish a pension fund for Alabama fire fighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

COMMITTEE ON WAYS AND MEANS

By Representatives Barnes and McClain:

H. 566. To amend Section 5-19A-2, Code of Alabama 1975, the Alabama Pawnshop Act, to further provide for the exclusion of a certificate of title, bill of

sale, or other documentary evidence of ownership of a motor vehicle from the definition of pledged goods.

COMMITTEE ON JUDICIARY

By Representatives Beasley, Carothers, Johnson, Payne, Poole, Biddle, Sanderson, and Butler:

H. 567. To propose the "Right to Read Act"; to provide further for the teaching of phonics in public schools; and to provide a minimal passing score in reading prior to advancement to the next grade level.

COMMITTEE ON EDUCATION

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 42, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 73, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Cagle, the Budget Isolation Resolution relating to the bill, H. 136, was adopted.

Yeas 22; Nays 0.

Yea:

Mr. Speaker, Bowling, Cagle, Carothers, Clark (W), Flowers, Gaston, Hall (L), Hammett, Haynes, Hilliard, Hogan, Johnson, Kvalheim, Mathis, Newton (C), Page, Parker (P), Powell, Spratt, Turnham and Warren.

-22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 136. Relating to Walker County; to levy a tonnage fee for certain solid waste material dumped or deposited on or in any privately-owned solid waste landfill in the county; and to provide for the collection of the fee and the distribution of the proceeds of the fee.

And the bill, H. 136, was read a third time at length and lost.

Yeas 11; Nays 16.

Yea:

Representatives Bowling, Cagle, Crow, Hall (L), Harvey, Haynes, Hogan, Johnson, Morrow, Page and Willis.

-11

Nay:

Representatives Barnes, Biddle, Carns, Curry, Gaines, Hawkins, Hilliard, McClain, McDowell, Morton, Newton (D), Payne, Petelos, Rogers (J), Sanderson and Spratt.

-16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Crow, the Budget Isolation Resolution and the bill, H. 278, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, H. 85, was adopted.

Yeas 15; Nays 0.

Yea:

Mr. Speaker, Bowling, Curry, Gaston, Hammett, Haynes, Hill, Hilliard, Johnson, Kennedy, Knight (A), Kvalheim, McKee, Mikell and Petelos.

-15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (M), Bowling, Cagle, Clark (W), Crow, Gaston, Hall (L), Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Kennedy, Knight (A), Kvalheim, McDaniel, McKee, Mikell, Morton, Richardson, Rockhold, Spratt, Turner and Willis.

-27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Representatives Kvalheim, Gaston, Rockhold and Kennedy were added as co-sponsors to the bill, H. 85.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 468, was adopted.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Bowling, Cagle, Clark (W), Clay, Collins, Crow, Curry, Ford, Gullatt, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Johnson, Kennedy, Knight (A), McClain, McDaniel, Millican, Parker (P), Richardson, Rockhold, Smith (C), Spratt, Turner, Warren and Willis.

-34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Bowling, Bryant, Carns, Clark (W), Collins, Crow, Curry, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Payne, Powell, Richardson, Rockhold, Sanderford, Smith (C), Spratt, Turner, Warren and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

S.J.R. 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

Also:

S.J.R. 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

Also:

S.J.R. 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

Also:

S.J.R. 25. DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Carter, the bill, H. 234, as amended on the third legislative day, and the motion offered by Representative Payne to indefinitely postpone the bill, H. 234, as amended, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Petelos offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 21.

MOTION TO CARRY OVER TABLED

On motion of Representative Petelos, the motion offered by Representative White to carry over the bill, H. 21, and the pending Budget Isolation Resolution to the tenth legislative day was tabled.

Yeas 37; Nays 9.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Bowling, Burke, Cagle, Carns, Carter, Dolbare, Drake, Ford, Gaines, Gaston, Hamilton, Haney, Higginbotham, Hill, Hilliard, Holladay, Holley, Johnson, Knight (A), Morrow, Morton, Newton (C), Payne, Penry, Petelos, Poole, Rich, Sanderson, Spratt, Starkey, Turnham and Williams.

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Nay:

Representatives Bryant, Clark (W), Kennedy, Knight (J), McKee, Mikell, Smith (C), Warren and White.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 100. HONORING MR. HOYT "WU" WINSLETT OF TUSCALOOSA, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

BILLS ON THIRD READING RESUMED**MOTION TO TEMPORARILY CARRY OVER OFFERED**

Representative Haynes offered the motion to temporarily carry over the bill, H. 21, and the pending Budget Isolation Resolution.

MOTION TO TABLE LOST

The motion offered by Representative Petelos to table the motion offered by Representative Haynes to temporarily carry over the bill, H. 21, and the pending Budget Isolation Resolution was lost.

Yeas 29; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Black (M), Burke, Butler, Cagle, Carothers, Drake, Ford, Freeman, Gaston, Gullatt, Hall (A), Haney, Harvey, Higginbotham, Hilliard, Hogan, McClain, McMillan, Penry, Rich, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt and Turner.

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Nay:

Representatives Biddle, Bryant, Carns, Clark (W), Crow, Curry, Dolbare, Hammett, Harper, Hawkins, Haynes, Hill, Holley, Holmes, Johnson, Kennedy, Knight (A), Laird, Layson, McDaniel, McKee, Mikell, Morton, Newton (C), Payne, Richardson, Thomas, Warren, White, Williams and Willis.

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MOTION TO TEMPORARILY CARRY OVER LOST

The question was then on the motion offered by Representative Haynes to temporarily carry over the bill, H. 21, and the pending Budget Isolation Resolution, and the motion was lost.

Yeas 31; Nays 35.

Yea:

Representatives Blakeney, Bryant, Buskey, Carter, Clay, Crow, Dolbare, Ford, Gullatt, Hammett, Harper, Harvey, Haynes, Hilliard, Holley, Johnson, Kennedy, Laird, Layson, Letson, McKee, Mikell, Newton (C), Poole, Richardson, Sanderford, Thomas, Walker, Warren, White and Willis.

-31

Nay:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Burke, Butler, Cagle, Campbell, Carns, Carothers, Curry, Drake, Freeman, Gaston, Hall (A), Haney, Hawkins, Higginbotham, Hill, Holladay, Knight (A), Mathis, McClain, McDaniel, McMillan, Morton, Parker (P), Payne, Penry, Rich, Rogers (J), Smith (R), Spratt and Turner.

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RESOLUTION

The following resolution was introduced:

By Representative Butler:

H.J.R. 101. COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

WHEREAS, in consensus of commendation, the Legislature of Alabama congratulates Gerry Zeringue of Madison, Alabama, who has been honored by the Madison County Record as Madison's Person of the Year, in recognition of "significant service to the community"; and

WHEREAS, Mrs. Zeringue, who has resided in Madison for the past six years, has rendered invaluable volunteer service through leadership positions and in tireless support of numerous civic and community organizations, and her many contributions have been of incalculable worth to the City of Madison and its citizens; and

WHEREAS, a very resourceful, energetic and enthusiastic person, Mrs. Zeringue is a founder and/or organizer of the non-profit Madison New Neighbor Network, Mom and Me in the Park, the Madison Women's Club, Madison Business Association, and the Madison Summer Concerts on the Green which is sponsored by the Madison Station Historical Preservation Society; and

WHEREAS, she also initiated the Wednesday Card Games for the Senior Center, and is an active member of the Madison Garden Club, among many other pursuits and selfless endeavors which she served with great dedication to the good and well-being of her community; and

WHEREAS, Mrs. Zeringue and her husband, O. J. "Ike" Zeringue, who has been promoted to senior vice president of Nuclear Operations for TVA, will be moving soon to Chattanooga, Tennessee; her accomplishments, however, on behalf of the City of Madison are of long-lasting benefit to the entire area, and her presence will be deeply missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Gerry Zeringue of Madison, Alabama, for outstanding community service, and do further direct that she receive a copy of this resolution, with warm best wishes for every future happiness and success.

The resolution, H.J.R. 101, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Petelos, the bill, H. 21, and the pending Budget Isolation Resolution were carried over to the ninth legislative day.

H. 367 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 367, from the Standing Committee on Constitution and Elections to the Standing Committee on Commerce, Transportation and Utilities.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 20, was adopted.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Anderson, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Walker, Warren, White, Williams and Willis.

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Nay:

Representative Bryant.

- 1

And the bill:

H. 20. (With Substitute): To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-2 of the Code of Alabama 1975, is amended to read as follows:

"§13A-6-2.

"(a) A person commits the crime of murder if in any of the following instances:

"(1) With intent to cause the death of another person, he or she causes the death of that person or of another person;~~or.~~

"(2) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a ~~person other than himself~~ another person, and thereby causes the death of another person;~~or.~~

"(3) He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, or any other felony clearly dangerous to human life and, in the course of and in furtherance of the crime that he or she is committing or attempting to commit, or in immediate flight therefrom, he or she, or another participant if there be any, causes the death of any person.

"(4) He or she causes the death of a person while driving a vehicle or operating a watercraft in any of the following instances:

"a. When under the influence of alcohol or a controlled substance to a degree which renders the person incapable of safely driving a vehicle or operating a watercraft.

"b. When under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safely driving a vehicle or operating a watercraft.

"c. When under the influence of any substance which impairs the mental or physical faculties of the person to a degree which renders the person incapable of safely driving a vehicle or operating a watercraft.

The words used in subdivision (4) shall have the same meaning as the words have in Section 32-5A-191. The term 'watercraft' as used in subdivision (4) shall mean any vessel or contrivance used or capable of being used for navigation or flotation upon water whether or not capable of self-propulsion.

"(b) A person does not commit murder under subdivisions (a)(1) or (a)(2) of this section if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.

"(c) Murder is a Class A felony; provided, that the punishment for murder or any offense committed under aggravated circumstances, ~~as provided by~~ pursuant to article 2 of chapter 5 of this title, is death or life imprisonment without parole, which punishment shall be determined and fixed as provided by article 2 of chapter 5 of this title or any amendments thereto.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 20 TEMPORARILY CARRIED OVER

On motion of Representative Petelos, the bill, H. 20, and the pending committee substitute were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 241, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Poole, Powell, Rich, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Walker, Warren, White, Williams and Willis.

-73

And the bill:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Walker, Warren, White, Williams and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 258, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Cagle, Campbell, Carns, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Walker, Warren, White, Williams and Willis.

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And the bill:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Butler, Cagle, Campbell, Carns, Collins, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Poole, Powell, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turnham, Walker, Warren, White, Williams and Willis.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Johnson, the Budget Isolation Resolution and the bill, H. 139, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hill offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 247.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hill, the bill, H. 247, and the pending Budget Isolation Resolution were carried over to the ninth legislative day.

Yeas 48; Nays 9.

Yea:

Mr. Speaker, Anderson, Beasley, Blakeney, Bowling, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Crow, Dolbare, Drake, Flowers, Gaston, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Johnson, Kvalheim, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Millican, Morrow, Newton (C), Page, Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Turnham, White and Willis.

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Nay:

Representatives Black (M), Cullins, Freeman, Gaines, Hall (A), Laird, Petelos, Sanderson and Warren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 139, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Bowling, Bryant, Butler, Campbell, Cams, Carothers, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaston, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Johnson, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Mikell, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, White and Willis.

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And the bill:

H. 139. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Butler, Campbell, Carns, Carothers, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Hall (A), Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Walker, Warren, White and Willis.

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RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.R. 102. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 1, 1994, we adjourn to meet again on Thursday, February 3, 1994, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 102, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 90. RECOGNIZING DOUG BRADFORD OF THE DOTHAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

Also:

H.J.R. 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

H.J.R. 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

Also:

H.J.R. 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

Also:

H.J.R. 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

Also:

H.J.R. 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

H.J.R. 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

Also:

H.J.R. 85. COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

Also:

H.J.R. 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

Also:

H.J.R. 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

Also:

H.J.R. 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

Also:

H.J.R. 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

Also:

H.J.R. 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

Also:

H.J.R. 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

Also:

H.J.R. 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 67. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 293. Banking.

ADJOURNMENT

On motion of Representative Campbell and pursuant to the resolution, H.R. 102, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 3, 1994.

NINTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 3, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Howard Thompson, Union Hill Baptist Church, Bessemer, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mason Smith, 3rd Grade, Creek View Elementary School, Alabaster, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the eighth legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Rockhold, leave of absence was granted for Representative Zoghby.

Also:

At the request of Representative Hawkins, leave of absence was granted for Representative Rogers (F).

Also:

At the request of Representative Newton (D), leave of absence was granted for Representative Perdue.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 101. COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

On motion of Representative Carter, the resolution, H.J.R. 101, was adopted.

BILLS ON SECOND READING

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 142. (With Substitute): To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 410. (With Substitute) (With Amendments): To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller

machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 138. (With Substitute) (With Amendment): To amend Section 27-2-24, Code of Alabama 1975, relating to examinations of insurers by the Commissioner of Insurance to further provide for the conduct of examinations by the Commissioner of Insurance.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 299. (With Amendment): To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 523. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Amendment): To provide for the suspension or denial of a driver's license or learner's license of a student suspended from school for possession of an unauthorized weapon or an illegal controlled substance; and to provide for notice, hearing, and appeals.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 371. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

H. 403. Proposing an amendment to Amendment No. 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112 in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

The above bill was read a second time at length as required by the Constitution.

H. 486. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

H. 505. To amend Section 16-5-8, Code of Alabama 1975, to provide for a uniform articulation agreement among all institutions of higher education.

H. 512. To regulate and provide procedures for personnel records of public school employees.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 281. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

H. 444. To amend Sections 2-15-122, 2-15-124, 2-15-125, and 2-15-127, Code of Alabama 1975, relating to the Alabama Public Livestock Marketing Business Act; to provide for the location of hearings and the publication of notice of hearings; to provide for the appropriation of fees for the administration of the act; to further provide for lapsing of a charter; and to further provide for appeals of decisions of the Public Livestock Market Board.

H. 504. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 302. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

H. 323. Relating to scrap tire disposal and management in this state; to levy fees on the sale of tires, to manage the proceeds for the abatement of scrap tires; to prescribe penalties for violations of the act; to distribute fees for the management of scrap tire hauling, processing, and storage; to provide funding for the Alabama Department of Environmental management in the administration of the act.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 357. (With Substitute): To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 489. (With Amendment): To establish the Alabama Commission on Small Business Development; to provide for its members, officers, and their duties; to make an appropriation; and to provide a termination date.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 514. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

H. 448. To establish the Alabama Clean Indoor Air Act; and to prohibit smoking in certain public places.

Representative McDaniel, Chairperson of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Amendments): To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. Proposing an amendment to Amendment No. 297 to the Constitution of Alabama of 1901 pertaining to Tallapoosa County to authorize the county commission to alter costs and charges of court.

The above bill was read a second time at length as required by the Constitution.

H. 549. Relating to Tallapoosa County; authorizing the additional fee on civil and criminal cases in the county with the proceeds to be used for the operation and maintenance of the county jail; and providing for the levy of the fee, effective July 1, 1994.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 39. Relating to Mobile County; to provide for the establishment in the municipalities in Mobile County of a pre-trial diversion and rehabilitation program in lieu of prosecution for certain offenders who are charged or may be charged with certain offenses in municipal court.

H. 40. Relating to Mobile County; authorizing the Mobile County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

H. 559. To exempt the Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

H. 313. To amend further Section 16 of Act No. 243, H. 278, First Special Session of 1964, as amended, which provides for the pension and relief system for policemen and firefighters of the City of Mobile, to provide for disability and death benefits for police officers resulting from certain occupational diseases.

H. 506. Relating to the municipality of Wilmer in Mobile County; to provide for a referendum election on the question of dissolution of the municipality of Wilmer and for the transfer of certain municipal services, including radio communication, should the voters elect to dissolve the municipality.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 516. (With Substitute): To authorize any custodial parent, guardian, and the Department of Human Resources, or any one of them, to bring a civil action to establish an order of past due support for a minor child or children for any period in which a parent had an obligation to provide support and failed to do so.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 551. Relating to Coffee County; providing for the fee for the issuance of pistol permits; providing for the deposit of distribution of the funds; and repealing Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

H. 553. Relating to Coffee County; providing for the appointment of deputy coroners.

H. 149. To propose a constitutional amendment to further provide for the extension of the corporate limits of the City of Millbrook and the City of Prattville in Elmore County.

The above bill was read a second time at length as required by the Constitution.

H. 326. Relating to Elmore County; to further provide for the extension of the corporate limits of the City of Millbrook and any municipality located entirely or partially in another county.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

Also:

H.J.R. 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

Also:

H.J.R. 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

Also:

H.J.R. 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

Also:

H.J.R. 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

Also:

H.J.R. 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

H.J.R. 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

Also:

H.J.R. 85. COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

Also:

H.J.R. 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

Also:

H.J.R. 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 90. RECOGNIZING DOUG BRADFORD OF THE DOTHAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

Also:

H.J.R. 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

H.J.R. 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

Also:

H.J.R. 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

Also:

H.J.R. 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

Also:

H.J.R. 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Freeman:

H. 568. To exempt the Alabama Diabetes Association from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Box and Butler:

H. 569. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

COMMITTEE ON JUDICIARY

By Representative Cosby:

H. 570. To designate the Alabama Independent School Association as the official in-state accrediting agency for non-public and private schools in Alabama.

COMMITTEE ON EDUCATION

By Representative Carothers:

H. 571. To amend Sections 2-15-132 and 2-15-133, Code of Alabama 1975, by providing that the Board of Agriculture and Industries shall set the amount of license fees up to a maximum of \$500 for livestock dealers and that bonds for livestock dealers shall be a minimum of \$10,000, with the amount of the bond to be set by the board and the amount of the bond to be based on gross sales of the livestock dealer.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and Harper:

H. 572. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify the original intent of an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil or gas from the Conservation and Production Tax and the Privilege Tax.

COMMITTEE ON WAYS AND MEANS

By Representative McDowell:

H. 573. To amend Sections 13A-11-63 and 13A-11-64, Code of Alabama 1975, providing for certain criminal offenses for the possession, sale, or use of a short-barreled rifle or short-barreled shotgun or for the alteration of certain identifi-

cation markers on a firearm or the possession, sale, or use of a firearm with certain identification markers altered, so as to provide for the disposition of any firearm which violates these sections.

COMMITTEE ON JUDICIARY

By Representatives Burke, Butler, Ford, Page, Smith (R), Rogers (J), Melton, McClain, Cosby, and Curry:

H. 574. To amend Section 40-9-12, Code of Alabama 1975, to exempt the Boys and Girls Clubs of America from certain taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 575. To amend Sections 36-30-20 and 36-30-21 of the Code of Alabama 1975, relating to compensation for disability or death of municipal police officers; to extend the coverage of benefits for death or disability from occupational diseases of police officers and to all municipalities; to define the term police officer; and to provide for totally and partial dependents.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hawkins, McClain, Gaines, Curry, Sanderson, Knight (A), Smith (R), Haney, and Hamilton:

H. 576. To amend Section 26-10A-25, Code of Alabama 1975, relating to the final decree of adoption, by providing that a final decree of adoption may not be collaterally attacked after all appeals have been exhausted except in cases of fraud or where the adoptee has been kidnapped.

COMMITTEE ON JUDICIARY

By Representatives Biddle, Morrow, Freeman, Carter, and Clark (J):

H. 577. To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance for certain law enforcement officers and provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McClain, Rogers (J), and Newton (D):

H. 578. To make an appropriation from the Alabama Special Educational Trust Fund to the Fairfield Board of Education for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Clay:

H. 579. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Tuskegee University for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Beasley, McDaniel, Mathis, Laird, Newton (C), Johnson, Carothers, and Williams:

H. 580. To establish the Deceptive Advertising and Trade Practices Act; to define and prohibit unlawful advertising and trade practices; to authorize the Attorney General and the district attorneys to prosecute violators both civilly and criminally; to provide penalties for violations and establish a statute of limitations; to authorize the Attorney General to promulgate rules and procedures for enforcing the act; and to repeal Sections 8-19-1 to 8-19-15, inclusive, Code of Alabama 1975.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Harper and Cosby:

H. 581. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Spratt, Newton (D), Barnes, Rogers (J), McDowell, Ford, Cagle, Crow, and Buskey:

H. 582. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Richardson, Smith (R), Sanderson, Sanderford, Burke, Hammett, Haney, Hooper, Laird, Carothers, Beasley, Mathis, Newton (C), Clay, Johnson, Thomas, Penry, Gullatt, Box, Turnham, Venable, Layson, Harvey, Ford, Anderson, Lindsey, Knight (A), Hill, and Collins:

H. 583. To provide for registration, licensing, and bonding of telemarketers; to establish exemptions; and to provide for civil and criminal penalties for violation of its provisions.

COMMITTEE ON SMALL BUSINESS

By Representative McDaniel:

H. 584. To authorize the various municipal governing bodies individually or jointly with other municipalities to levy additional costs and fees on certain municipal cases and to provide for the distribution of the funds to construct, equip, and maintain a jail or jails or a court complex.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Spratt, Hilliard, Barnes, Rogers (J), McDowell, Hill, Hall (L), Melton, and McClain:

H. 585. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

COMMITTEE ON EDUCATION

RESOLUTIONS

The following resolutions were introduced:

By Representative Holmes:

H.J.R. 103. CALLING ON THE GOVERNOR, CHAMBER OF COMMERCE, BUSINESS COUNCIL, AND ALL CANDIDATES FOR GOVERNOR TO DESIST FROM EDUCATION REFORM LEGISLATION.

WHEREAS, two major education reform proposals in the Legislature have been developed by persons who are not trained educators, and do not have the knowledge and experience to know what the boys and girls of this state need in education reform; and

WHEREAS, the State Department of Education already employs educators, many of whom are required to hold advanced degrees, including doctorates in education and psychology, and these are the experts who are most knowledgeable as to what is needed to truly reform education in Alabama; and

WHEREAS, it should be the responsibility of professional educators to develop plans for the operation and management of our schools and for the development of curricula; and

WHEREAS, the State Department of Education and the county and city boards of education and superintendents of education should develop a plan for education reform, and then submit the plan to the Legislature for funding; it is not the responsibility of the Legislature to develop a plan for reform, only to fund it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon Governor Folsom, the Chamber of Commerce, the Business Council, and all candidates for Governor to desist from promoting the education reform proposals before the Legislature and call upon the State Department of Education, the county and city boards of education, and the county and city superintendents of education to develop a plan for education reform to be submitted to the Legislature for funding.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Holmes to suspend the rules and adopt the resolution, H.J.R. 103, was lost.

Yeas 2; Nays 37.

Yea:

Representatives Bryant and Holmes.

- 2

Nay:

Mr. Speaker, Anderson, Beasley, Black (M), Burke, Cagle, Carns, Carter, Collins, Cosby, Curry, Ford, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hogan, Knight (J), Kvalheim, Letson, Lindsey, McDaniel, McMillan, Mikell, Millican, Morrow, Parker (P), Penry, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turner and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 103, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (L), Buskey, Clark (W), Kennedy, Holmes, McDowell, Rogers (J), McClain, Barnes, Newton (D), Hilliard, Clay, Black (L), Spratt, Knight (J), Bryant, Thomas, Melton, Perdue, Hall (A) and Butler:

H.J.R. 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

WHEREAS, the month of February is recognized as African American History Month; and

WHEREAS, this is a time that our country sets aside to recognize the many contributions of African Americans; and

WHEREAS, there has been an increase in the number of violent crimes and violent deaths in the African American community; and

WHEREAS, violent crime in the African American community is affecting the very fiber and vitality of the African American community; and

WHEREAS, the African American community has traditionally been a non-violent people; and

WHEREAS, if violent crime and violent deaths continue, there will be no African American history to celebrate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of February is designated as "Stop the Violence Month."

BE IT FURTHER RESOLVED, That every organization, community, church, and family unite to send a message that if African American history is to continue, African Americans must stop the killing and start the healing and the building.

RESOLVED FURTHER, That copies of this resolution be made available for appropriate distribution.

The resolution, H.J.R. 104, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 82. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of

sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 82. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 344. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 5. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 5. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 37. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 27. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 27. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 87. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 95. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 95. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedsole:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 282. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Little:

S. 246. To allow the transfer of foreign nationals who are convicted offenders imprisoned in Alabama to the country of their citizenship.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 246. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 119. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell (With Notice and Proof):

S. 117. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 117, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 117. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bailey, Hill, Ells, Underwood, Corbett, Smith (J), Floyd, Windom, Waggoner, Lindsey, Mitchell, Bolling, Langford, and Horn:

S. 313. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 313. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 28. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 28. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 292. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supple-

ment to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 292. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Wilson:

S. 86. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 86. Judiciary.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 66, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Bryant, Buskey, Carter, Clark (W), Collins, Cullins, Ford, Freeman, Gaines, Gaston, Hall (A), Hammett, Haney, Hill, Hilliard, Holladay, Johnson, Knight (A), Kvalheim, Mathis, McClain, Melton, Mikell, Morrow, Page, Penry, Rogers (J), Sanderson, Smith (R), Spratt, Starkey, Venable, White and Willis.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 66. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Carter, Clay, Collins, Cullins, Ford, Freeman, Gaines, Hall (A), Hall (L), Haney, Hill, Hilliard, Knight (A), Mathis, McClain, Millican, Morrow, Newton (C), Page, Penry, Rogers (J), Sanderson, Smith (R), Spratt, Starkey and White.

-33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crow, the Budget Isolation Resolution relating to the bill, H. 278, was adopted.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Cagle, Collins, Crow, Cullins, Ford, Freeman, Gaines, Gaston, Hall (A), Hall (L), Hill, Hogan, Knight (A), Mathis, McClain, Melton, Mikell, Millican, Morrow, Page, Payne, Penry, Sanderson, Smith (C), Smith (R), Thomas, White and Willis.

-34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 278. Relating to Calhoun County; clarifying that the governing body of Calhoun County has the authority, and expressly authorizing the governing body of Calhoun County, pursuant to general law, to approve or disapprove of any sites used for solid waste collection, transfer, or disposal or for any part of that process.

was taken up.

SUBSTITUTE OFFERED

Representative Crow offered the following substitute to the bill, H. 278:

A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; clarifying that the governing body of Calhoun County has the authority, and expressly authorizing the governing body of Calhoun County, pursuant to general law, to approve or disapprove of any sites used for solid waste collection, transfer, or disposal or for any part of that process.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply to Calhoun County, Alabama.

Section 2. (a) In addition to any regulatory authorities or bodies, the governing body of Calhoun County has a responsibility for and the authority to assure the proper management of solid wastes in and generated within its jurisdiction in accordance with Articles 1 and 3 (commencing with Section 22-27-1) of Chapter 27 of Title 22, Code of Alabama 1975.

(b) In furtherance of that responsibility, the governing body of Calhoun County may assign territories and approve or disapprove of any and all disposal sites and any and all other sites used for or as a part of any form or type of solid waste collection, transfer, and disposal, or as a part of any form or type of solid waste collection, transfer, or disposal outside the corporate limits of any municipality in its jurisdiction.

(c) The approval or disapproval of all sites used for or as a part of any form or type of solid waste collection, transfer, and disposal, or as a part of any form or type of solid waste collection, transfer, or disposal shall be in addition to any other approvals required from other regulatory authorities or bodies and shall be made prior to any other approvals necessary for the provision of those services, the development of a proposed facility, or the modification of permits for existing facilities.

(d) The approval shall be required even if approval of other regulatory authorities or bodies is not required and the governing body of Calhoun County may bring an action in the Circuit Court of Calhoun County to enjoin the construction or use of or to abate as a nuisance or as a public nuisance any solid waste facility or site which has not received the approval of the governing body of Calhoun County.

(e) In determining whether to approve any site for any type of solid waste collection, transfer, or disposal, the governing body of Calhoun County shall consider each of the following:

(1) The consistency of the proposal with Calhoun County's solid waste management needs as identified in its plan as required pursuant to Section 22-27-47, Code of Alabama 1975.

(2) The relationship of the proposal to local planned or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads.

(3) The location of a proposed facility in relationship to existing industries in the state and Calhoun County that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid wastes.

(4) Costs and availability of public services, facilities, and improvements required to support a proposed facility and to protect public health, safety, and the environment.

(5) The impact of a proposed facility on public safety, health, and welfare, and provisions made to minimize the impact on public health, welfare, and safety.

(6) The social and economic impacts of a proposed facility on the affected community, including changes in property values, and social or community perception.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. (a) It is the intent of the Legislature that this act expresses the existing authority of the governing body of Calhoun County pursuant to Articles 1 and 3 (commencing with Section 22-27-1) of Chapter 27 of Title 22, Code of Alabama 1975, but to the extent otherwise declared, it is the intent of the Legislature that this act responds to local needs which have not been responded to by general legislation, and that this act makes provisions for what is not contained in or subsumed by general legislation, such that this act supplements and clarifies existing laws and only repeals such laws and parts of laws as directly conflict with this act.

(b) Industrial solid wastes are exempt from the application of this act and this act does not clarify, modify, or change any existing laws, acts or regulations concerning or regulating industrial solid wastes. The term "industrial solid wastes" is for the purpose of this act defined as solid wastes generated by manufacturing or industrial processing that is not a hazardous waste regulated under Chapters 22 to 30, inclusive, of Title 22, Code of Alabama 1975.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 36; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Cagle, Collins, Cullins, Ford, Freeman, Gaines, Gaston, Hall (A), Hall (L), Haney, Hill, Hilliard, Hogan, Holley, Knight (A), Kvalheim, Mathis, McClain, Melton, Mikell, Millican, Morrow, Page, Payne, Rogers (J), Sanderson, Smith (R) and Spratt.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 278, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Carns, Collins, Crow, Ford, Freeman, Gaines, Gaston, Hall (A), Hall (L), Haney, Hill, Kvalheim, Mathis, McClain, Mikell, Millican, Morrow, Page, Payne, Rockhold, Rogers (J), Sanderson, Smith (R), Thomas and Willis.

-33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Willis, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 2.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 2, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Blakeney, Bryant, Butler, Cagle, Carns, Collins, Crow, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hilliard, Hogan, Kvalheim, McClain, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, White and Willis.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was taken up.

H. 2 TEMPORARILY CARRIED OVER

On motion of Representative Willis, the bill, H. 2, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

Also:

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

Also:

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

**McDOWELL LEE
Secretary**

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

Also:

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

**McDOWELL LEE
Secretary**

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Richardson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 16.

H. 509 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 509, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 1.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Richardson, the Budget Isolation Resolution relating to the bill, H. 16, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Spratt, Thomas, Turner, Turnham, Venable, Warren, White and Willis.

-70

And the bill:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

was taken up.

H. 16 TEMPORARILY CARRIED OVER

On motion of Representative Richardson, the bill, H. 16, was temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Representative Venable:

H.R. 105. AMENDING HOUSE RULE 13.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That, pursuant to notice previously filed, House Rule No. 13 be amended to read as follows:

Rule 13. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.

(a) When a Senate bill that is identical to a House bill that is up for consideration is on the calendar it shall be permissible for a member to substitute said Senate bill for said House bill upon a motion carried by a majority of those voting.

On motion of Representative Venable, the resolution, H.R. 105, was adopted.

H. 2 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Holley offered the following amendment to the bill, H. 2:

On page 2, delete lines 25, 26, and 27, and insert in lieu thereof: tags, shall be deposited in the State General Fund and shall be distributed annually between the Children's Hospital in the University of Alabama, Birmingham, and the University of South Alabama based on the ratio of burn patients treated at each respective institution for the previous year.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bryant, Carns, Carothers, Carter, Clay, Collins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim,

Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Newton (C), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, White and Williams.

-62

And the bill, H. 2, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Venable, Warren, White, Williams and Willis.

-70

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 92.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 92, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable and Williams.

-61

And the bill:

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (J), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, White and Willis.

-66

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Page, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 249.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 249, was adopted.

Yeas 20; Nays 9.

Yea:

Representatives Anderson, Black (M), Buskey, Clark (W), Cosby, Drake, Ford, Freeman, Hall (A), Holladay, Johnson, Kennedy, Melton, Morrow, Parker (P), Powell, Sanderford, Smith (C), White and Williams.

-20

Nay:

Representatives Carns, Curry, Gaines, Haney, Hawkins, McKee, McMillan, Petelos and Smith (R).

- 9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 249. (With Amendment): Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. 249 on page 4, Section 2, lines 9 & 10 by deleting the semicolon and inserting a period at the end of line 9 and striking line 10 in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (M), Clark (W), Collins, Cullins, Drake, Ford, Freeman, Gaines, Gaston, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Holladay, Johnson, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Penry, Petelos, Poole, Rockhold, Smith (C), Smith (R), Spratt, Turner, Venable and Williams.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Smith (R) offered the following amendment to the bill, H. 249, as amended:

Amend House Bill 249 on Page 7, line 12 after the "period" following the word "members" by adding the following: "Notwithstanding, the decision to increase the board from 5 to 7 members shall be determined in the next primary or general election by the voters of Etowah County. Further, the voters of Etowah County shall vote to determine whether a 7 member board will be appointed or elected to serve terms as set forth in this bill."

AMENDMENT TABLED

On motion of Representative Page, the amendment offered by Representative Smith (R) to the bill, H. 249, as amended, was tabled.

Yeas 22; Nays 16.

Yea:

Representatives Anderson, Black (M), Campbell, Carothers, Clay, Freeman, Goodwin, Hall (A), Haynes, Hilliard, Johnson, Lindsey, Mathis, Morrow, Page, Parker (P), Sanderford, Smith (C), Spratt, Starkey, Warren and White.

-22

Nay:

Representatives Blakeney, Carns, Curry, Gaines, Gaston, Haney, Hawkins, Hill, Knight (A), Kvalheim, McKee, McMillan, Morton, Petelos, Sanderson and Smith (R).

-16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 249, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 3.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Buskey, Cagle, Clark (W), Crow, Drake, Ford, Freeman, Gullatt, Hall (A), Haynes, Hilliard, Hogan, Holmes, Johnson, Knight (J), Letson, Lindsey, McMillan, Melton, Millican, Morrow, Newton (C), Newton (D), Page, Parker (P), Poole, Powell, Rockhold, Smith (C), Spratt, Starkey, Warren and Willis.

-37

Nay:

Representatives Carns, Gaines and Hawkins.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

Also:

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

Also:

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

Also:

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Johnson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 244.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 244, was adopted.

Yeas 55; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Drake, Flowers, Freeman, Gaston, Hall (A), Hammett, Haney, Hawkins, Hill, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Payne, Penry, Poole, Richardson, Rockhold, Rogers (J), Turner, Turnham, Venable, Walker, Warren, White and Willis.

-55

Nay:

Representative Campbell.

- 1

And the bill:

H. 244. (With Amendment): To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 244 on Page 2, Line 23, by deleting the following: ~~as the court shall order~~ and insert in lieu thereof the following: by the petitioner

Further amend H. 244 Page 3, Line 2, after the word "money" by inserting the following: or damages

Further amend H. 244, Page 3, Line 3, after the word "mother" by inserting the following: , the State, or any employee or agent of the State

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Curry, Drake, Flowers, Gaston, Hall (L), Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Rogers (J), Turner, Turnham, Venable, Walker, Warren, White and Willis.

-62

AMENDMENT OFFERED

Representative Holladay offered the following amendment to the bill, H. 244, as amended:

On page 2, on line 6, after the word "father", add the following language: , except if a prior judicial determination of paternity or nonpaternity has been made, and that determination involved the consideration of evidence including a valid blood test or Deoxyribose Nucleic Acid test of the mother, father, and child. Once paternity or nonpaternity has been so determined, the issue may not be raised in a subsequent proceeding under this act.

AMENDMENT TABLED

On motion of Representative Newton (D), the amendment offered by Representative Holladay to the bill, H. 244, as amended, was tabled.

Yeas 38; Nays 10.

Yea:

Representatives Biddle, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Flowers, Freeman, Hall (A), Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (J), Laird, Mathis, McKee, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Poole, Richardson, Thomas, Turner, Turnham, Warren and White.

-38

Nay:

Representatives Black (M), Cosby, Gaines, Hammett, Hill, Knight (A), McMillan, Rogers (J), Sanderson and Venable.

-10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 244, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Walker, Warren, White and Willis.

-69

Nay:

Representatives Campbell and Petelos.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Clay intended to vote "Yea" on passage of the bill, H. 244.

H. 16 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 16:

On page 1, on line 26, after the word "clinics" add the following: , and to define county medical clinics as nonprofit rural health clinics.

On page 3, after line 21, add the following additional underlined language as a continuation of the definition of "Medical Clinic": A county medical clinic, for the purposes of this act shall mean and include only a nonprofit rural health clinic.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Clark (W), Crow, Cullins, Drake, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Kennedy, Knight (J), Kvalheim, Lindsey, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Newton (D), Page, Parker (P), Payne, Penry, Rogers (J), Smith (C), Spratt, Thomas, Venable, Walker, Warren and Willis.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics, and to define county medical clinics as nonprofit rural health clinics.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Petelos, Poole, Powell, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Walker, Warren and Willis.

-69

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hooper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 361.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 361, was adopted.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Hooper,

Johnson, Knight (A), Kvalheim, Laird, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (T), Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White and Willis.

-69

Nay:

Representative Payne.

- 1

And the bill:

H. 361. (With Amendment): To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend H. 361 on page 18, lines 20 & 21, by striking the sentence beginning with the word "Nothing" in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Campbell, Carns, Clay, Crow, Curry, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Hooper, Johnson, Knight (A), Kvalheim, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White and Willis.

-58

And the bill, H. 361, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 3.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren and Willis.

-71

Nay:

Representatives Holley, Mikell and Payne.

- 3

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Venable offered the motion to reconsider the vote by which the bill, H. 361, was passed, and the motion to reconsider was adopted.

And the bill, H. 361, as amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (T), Penry, Petelos, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

-78

Nay:

Representatives Hamilton, Holley, Mikell, Newton (C), Payne and Poole.

- 6

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holley, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 360.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, H. 360, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-80

And the bill:

H. 360. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

was taken up.

SUBSTITUTE OFFERED

Representative Holley offered the following substitute to the bill, H. 360:

A BILL TO BE ENTITLED AN ACT

To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-19-31, 27-12-17, 27-40-2, and Code of Alabama 1975, are amended to read as follows:

"§5-19-31.

"(a) ~~None of the~~ The provisions of this chapter, except the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, shall not apply to any loan, forbearance, credit sale ~~or~~, lease, or other transaction involving an interest in real property or the sale, lease, or mortgage of an interest in real property, where the creditor is a lending institution which is an approved mortgagee under the provisions of the National Housing Act or is exempt from licensing under this chapter, or to any other loan, forbearance, credit sale, lease, or other transaction that is not a consumer transaction or to any transaction by a trust institution as defined in section 5-12A-1(1), in its capacity as a fiduciary under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501.

"(b) ~~Nothing in this~~ This chapter shall not be construed to amend or repeal, without limitation, the provisions of sections 5-18-1 through 5-18-24, inclusive, section 8-8-6, section 8-8-4, section 8-8-5, section 8-8-1.1, 8-8-14, 8-8-15, or sections 5-20-2 through 5-20-10, inclusive.

"(c) This chapter shall not apply to any lawful, bona fide pawnbroking business.

"(d) This chapter shall not apply to any insurance agent or agency licensed in Alabama that elects to charge a collection fee on unpaid balances for insurance premiums under Section 27-12-17. Such election must be made by stating such on the premium finance contract.

"~~(d)~~ (e) This section is intended to confirm and clarify existing law that none of the provisions of this chapter, other than the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, apply to any transaction that is not a consumer transaction, or, where provided in section 5-19-31(a) to any transaction involving an interest in real property, whether or not a consumer transaction, or to any transaction of a trust institution described in section 5-19-31(a)."

"§27-12-17.

"(a) No person shall willfully collect any sum as premium or charge for insurance which insurance is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this title.

"(b) No person shall willfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to ~~such~~ the insurance and as specified in the policy in accordance with the applicable classifications and rates as filed with, and approved by, the commissioner or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved, ~~such~~ . The premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This section shall not be deemed to prohibit the charging and collection by surplus line brokers licensed under chapter 10 of this title of the amount of applicable state and federal taxes in addition to the premium required by the insurer; nor shall it be deemed to prohibit the charging and collection by a life insurer of amounts actually to be expended for medical examination of an applicant for life insurance or for reinstatement of a life insurance policy; nor shall it be deemed to prohibit an Alabama licensed agent from charging a collection fee of up to one and one-half percent per month on unpaid balances for insurance premiums."

"§27-40-2.

"The provisions of this chapter shall not apply with respect to any of the following:

"(1) Any insurance company licensed to do business in this state;

"(2) Any banking or other financial institution regulated by the state, or savings and loan association, or credit union authorized to do business in this state, or any national banking institution or federal savings and loan association incorporated under the laws of the United States and located within this state;

"(3) ~~The inclusion of a~~ A charge for insurance in connection with an installment sale of a motor vehicle or boat or mobile home; ~~or.~~

"(4) The financing of insurance premiums in this state in accordance with the provisions of this title relating to rates of insurance.

"(5) Any insurance agent or agency licensed in Alabama that charges a collection fee on unpaid balances for insurance premiums under Section 27-12-17 or under the Alabama Consumer Credit Act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-75

And the bill, H. 360, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hamilton intended to vote "Yea" on passage of the bill, H. 360.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hall (A), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 359.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 359, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Walker, White, Williams and Willis.

-71

And the bill:

H. 359. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Walker, Warren, White, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler intended to vote "Yea" on passage of the bill, H. 359.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 106. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 3, 1994, they adjourn to meet again on Tuesday, February 8, 1994.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 106, was adopted.

Also:

By Representative Campbell:

H.R. 107. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 3, 1994, we adjourn to meet again on Tuesday, February 8, 1994, at 3:30 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 107, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 108. MOURNING THE DEATH OF MRS. MARY J. MOORE OF YORK, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Smith (J):

S.J.R. 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

Also:

By Senator Bolling:

S.J.R. 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Sanders:

S.J.R. 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

Also:

By Senator Bolling:

**S.J.R. 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE
COMMUNITY COLLEGE, FAYETTE, ALABAMA.**

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 26, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 28, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hill:

**S.J.R. 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY
AS HISTORIC TALLADEGA COLLEGE HIGHWAY.**

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 32, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Rogers (J), White, Hammett, Melton, Burke, Ford, Biddle, Millican, Cosby, Black (L), Hawkins, Smith (C), Harper, McDowell, Knight (J), Spratt, Black (M), Parker (T), Anderson, Letson, Curry, Page, Knight (A), Hill, Collins, Gaines, Sanderson, McDaniel, Richardson, Smith (R), Payne, Johnson, Hilliard, Drake, Sanderford, McClain, Petelos, Hall (A), Hooper and Parker (P):

H.J.R. 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state, created pursuant to Act No. 93-111, H.J.R. 20 of the 1993 Regular Session (Acts 1993, p. 167), shall have two additional members, one member appointed by the Speaker of the House of Representatives and one member appointed by the Lieutenant Governor or the Presiding Officer of the Senate, and shall report its findings and recommendations to the Legislature by the fifteenth legislative day of the 1995 Regular Session at which time the committee shall stand dissolved and discharged of any further duties.

The resolution, H.J.R. 109, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Clark (J) and Flowers:

H.J.R. 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

WHEREAS, the Legislature of Alabama herein pays tribute to James Hayward Kelley, a distinguished native son whose proud heritage is deeply rooted in Houston County, where he was born January 1, 1904, as the youngest child of Thomas Elias and Mary Eliza (Molly) Kelley, and was reared with his ten brothers and sisters on a farm near Dothan; and

WHEREAS, young Hayward, as he was called by his family, was educated at Keyton and Newton Springs Elementary Schools, and, upon this solid foundation, greatly broadened his education through studies at Campbell Business College and the Troy State Normal Extension in Houston County, and at the Baptist Collegiate Institute of Newton in Dale County; and

WHEREAS, Mr. Kelley, who was later called and is now widely known as Jim Kelley, has resided over the years in Houston County, Ozark and Montgomery, Alabama, and in Wewahitchka, Gulf County, Florida, in which communities he has served in leadership and support of many community improvement projects and programs, and through such affiliations as the Baptist Church, Masonic Order, Kiwanis Club, Bankers Association, and Boy Scouts of America, among others; and

WHEREAS, it has been in these locales, also, that Jim Kelley has become highly successful in many varied fields, including farming, teaching, banking, office management, and business, as well as the print and broadcast media; and

WHEREAS, Mr. Kelley is also regarded as an outstanding orator, and this gift has been a decided asset in all his endeavors, including a distinguished tenure in public service as a member of the Florida State Legislature, and as a public information officer and planner with the Alabama Department of Civil Defense who, during the administration of Governor John Patterson, wrote the first Emergency Operations Plan for the State of Alabama; and

WHEREAS, Mr. Kelley was married to the former Erin Andrews of Ozark for 63 years prior to her death in 1989; they are the parents of four children and the grandparents of nine grandchildren and six great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend James Hayward Kelley of Ozark, Alabama, a distinguished Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 110, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Morrow, Box, Haynes, Harvey, Smith (C), Knight (J), Burke, Ford, Knight (A) and Venable:

H.J.R. 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

WHEREAS, the Newspaper in Education (NIE) program in the State of Alabama is a significant part of the instructional process in both the public and private school systems; and

WHEREAS, approximately three dozen newspapers throughout Alabama now participate in the NIE program; and

WHEREAS, almost 1000 teachers throughout the state currently use the newspaper as an effective teaching tool in their classrooms; and

WHEREAS, the newspaper is shared in Alabama schools at least once weekly with approximately 90,000 students; and

WHEREAS, educational uses of newspapers have rapidly expanded in recent years in the classroom curriculum from kindergarten through college, as well as in tutoring, adult education, prisons, mental institutions, and nursing homes; and

WHEREAS, the Alabama Press Association has encouraged the development of NIE programs throughout the state by focusing on them during its convention programs and its publications; and

WHEREAS, the goal of using newspapers to address literacy, basic competencies for graduating high school students, better citizenship and comprehension coincides with educational reform efforts in Alabama; and

WHEREAS, the goal of NIE is to encourage the use of newspapers in education with the primary objectives of developing in young people: (1) a continuing desire and ability to read a newspaper critically and reflectively; (2) a concern for public issues and a motivation to involve themselves in our self-governing process; and (3) an understanding of the role of a free press in our society; and

WHEREAS, Alabama's NIE Week of activities are being coordinated by Ms. Patricia Frazer, NIE Director for the Montgomery Advertiser; and

WHEREAS, in the foreseeable future, rapid growth is projected in the educational use of newspapers and other current media; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of March 7, 1994, be designated and duly noted as "Newspaper in Education" Week in the State of Alabama along with the theme "Celebrate Diversity."

BE IT FURTHER RESOLVED, That copies of this resolution be shared with all Alabama newspapers which participate in the NIE program as well as the Alabama Press Association.

The resolution, H.J.R. 111, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Cagle and Penry:

H.J.R. 112. DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

WHEREAS, the railroad industry is acknowledged as the originator of private company pensions in the United States; and

WHEREAS, in the 1930's the United States Congress assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

WHEREAS, the railroad retirement system today covers over one million individuals who have contributed over the years in good faith and who have legitimate expectations of receiving their benefits; and

WHEREAS, the National Performance Review, in its report "From Red Tape to Results: Creating a Government That Works Better & Costs Less" proposes to transfer the functions of the Railroad Retirement Board to the Social Security Administration, to other federal agencies, and to "private section service providers"; and

WHEREAS, this proposal would privatize and terminate a program that has worked well and provided retirement security to millions of people for nearly 60 years; and

WHEREAS, it now costs less money per benefit dollar to administer railroad retirement than it costs to administer Social Security and consequently, the proposal is likely to increase costs to the taxpayer; and

WHEREAS, the transfer would violate the federal government's stated commitment to "serving the customer" as current and future railroad retirement beneficiaries vehemently oppose the transfer; and

WHEREAS, this action threatens to disrupt earned and needed benefits for 1.3 million active, retired, and disabled railroad workers and their families; and

WHEREAS, this proposal would adversely affect all active and retired railroad employees and their families in the great State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continued federal commitment to the railroad retirement system is essential to assure the integrity of the railroad retirees' benefits.

BE IT FURTHER RESOLVED, That the preservation of the present structure of the railroad retirement system, including the administrative framework of the Railroad Retirement Board, is necessary to fulfill the time-honored responsibility of the federal government.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Railroad Retirement Board and the Social Security Administration.

The resolution, H.J.R. 112, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Butler:

H.R. 113. RECOGNIZING THE GEORGE C. MARSHALL SPACE FLIGHT CENTER, THE CITY OF HUNTSVILLE, MADISON COUNTY AND THE U. S. SPACE & ROCKET CENTER DURING THE 25TH ANNIVERSARY OF THE FIRST MANNED MOON LANDING.

Also:

By Representative Clay:

H.R. 114. COMMENDING MARY ANN SHEPPARD OF SHORTER, ALABAMA, AS NATIONAL PRESIDENT OF WOMEN INVOLVED IN FARM ECONOMICS.

Also:

By Representative Clay:

H.R. 115. COMMENDING CHRISTA VALENCIA HARDY AS 1993 HOME-COMING QUEEN AT THE UNIVERSITY OF ALABAMA.

Also:

By Representatives Hall (L), Buskey, Clark (W), Kennedy, Holmes, McDowell, Rogers (J), McClain, Barnes, Newton (D), Hilliard, Clay, Black (L), Spratt, Knight (J), Bryant, Thomas, Melton and Perdue:

H.R. 116. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

Also:

By Representative Butler:

H.R. 117. CONGRATULATING THE SPARKMAN HIGH SCHOOL ADVANCED PLACEMENT GOVERNMENT CLASS FOR OUTSTANDING ACHIEVEMENT.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:25 A.M. on February 3, 1994.

H.J.R. 65	H.J.R. 87
H.J.R. 66	H.J.R. 88
H.J.R. 67	H.J.R. 89
H.J.R. 69	H.J.R. 90
H.J.R. 70	H.J.R. 91
H.J.R. 71	H.J.R. 92
H.J.R. 74	H.J.R. 93
H.J.R. 75	H.J.R. 94
H.J.R. 84	H.J.R. 95
H.J.R. 85	H.J.R. 98
H.J.R. 86	

Delivered to the Governor at 11:40 A.M. on February 3, 1994.

H. 96	H. 146
H. 95	H. 147

Delivered to the Secretary of State at 11:35 A.M. on February 3, 1994.

H. 238 (CONSTITUTIONAL AMENDMENT)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Laird and pursuant to the resolution, H.R. 107, heretofore adopted, the House adjourned until 3:30 o'clock p.m., Tuesday, February 8, 1994.

TENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 8, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James Cullins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jeremy Pepper, 11th Grade, East Limestone School, Athens, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the ninth legislative day was approved.

REPORT FILED

Pursuant to House Joint Resolution 30, Act No. 93-919, First Extraordinary Session of the 1993 Legislature, Dr. Richard E. Powers, Chairman, submitted the Report of the Joint Interim Legislative Study Committee to Evaluate Unmet Needs of Caregivers and Victims of Alzheimer's Disease and Related Disorders, and the report was ordered filed.

LEAVE OF ABSENCE

At the request of Representative Hawkins, leave of absence was granted for Representative Rogers (F).

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

On motion of Representative Carter, the resolution, H.J.R. 104, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 26, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, S.J.R. 27, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 28, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 29, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

On motion of Representative Carter, the resolution, S.J.R. 32, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

On motion of Representative Carter, the resolution, H.J.R. 109, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 110, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 111, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 112. DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

On motion of Representative Carter, the resolution, H.J.R. 112, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics, and to define county medical clinics as nonprofit rural health clinics.

TOMMY CARTER
Chairman

And the bill, H. 16, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 509. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Warren and White:

H. 586. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Reid State Technical College for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives White and Warren:

H. 587. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Jefferson Davis Community College for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Blakeney (With Notice and Proof):

H. 588. To amend Section 1 of Act No. 243, H. 26, 1969 Regular Session (Acts 1969, p. 576), entitled "An Act To alter or rearrange the boundary lines of the City of Thomasville, Alabama, so as to include in the corporate limits of said city certain territory not now included, and to exclude from the City of Thomasville, Alabama, certain territory now included in the corporate limits of said city," to correct a clerical error in the legal description to correspond to the legal description as originally advertised.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 588, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 589. A bill to amend Section 12-17-25, Code of Alabama 1975, relating to the appointment of relief judges.

COMMITTEE ON JUDICIARY

By Representative Freeman:

H. 590. To establish the Alabama Small Business Research Development Program within the Alabama Department of Economics and Community Affairs and to make an appropriation to the program.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Newton (D), and McClain:

H. 591. To make a supplemental appropriation from the State General Fund in the State Treasury to the Alabama Department of Economic Community Affairs Planning Program for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Gaines, McClain, Sanderson, McKee, Hooper, McDowell, Newton (C), Johnson, Rogers (J), Haney, Smith (R), Beasley, Spratt, Blakeney, and Mikell:

H. 592. To amend Section 12-2-1, Code of Alabama 1975, relating to the election of justices of the State Supreme Court; to provide for the election of justices from newly created Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9, in the elections of 1996, 1998, and 2000, and thereafter; and to provide for the selection of a chief justice each two years; and to create and describe Supreme Court Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Curry, Sanderson, Gaines, McClain, McKee, Hooper, McDowell, Newton (C), Johnson, Rogers (J), Haney, Smith (R), Beasley, Spratt, Blakeney, and Mikell:

H. 593. Relating to the judges of the Court of Civil Appeals and the Court of Criminal Appeals; to amend Sections 12-3-2 and 12-3-4, Code of Alabama 1975, to provide for the election of those judges from newly created Districts 1, 2, 3, 4, and 5, in the elections of 1996, 1998, and 2000 and thereafter; and to create and describe Court of Civil Appeals Districts and Court of Criminal Appeal Districts 1, 2, 3, 4, and 5.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Beasley, Carothers, Biddle, Johnson, Haynes, Millican, Page, Morrow, Barnes, Clay, Hooper, McMillan, Anderson, Rogers (J), Freeman, Ford, Flowers, Hammett, Warren, Carter, Spratt, Hilliard, Curry, Smith (R), Haney, McDaniel, Richardson, Petelos, Sanderson, Gaines, Morton, Cullins, Black (M), Layson, and Newton (C):

H. 594. To amend Sections 25-4-77 and 25-4-75, of the Code of Alabama

1975, as amended by Section 1 of Act No. 93-253, S. 459, 1993 Regular Session, relating to unemployment compensation, to provide further for restrictions on extended benefits, eligibility requirements for benefits, in order to conform with federal law.

COMMITTEE ON BUSINESS AND LABOR

By Representative Zoghby (With Notice and Proof):

H. 595. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for deputy sheriffs in Mobile County and to provide that such deputy sheriffs receive the same across-the-board pay raises and merit increases afforded to all other Mobile County employees.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 595, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Zoghby (With Notice and Proof):

H. 596. Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation; to provide for the governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the municipality parking facilities; to empower the authority to lease parking facilities to or from others; to grant the authority other powers, including the power of eminent domain; to authorize the municipality to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that the bonds may be secured by pledge of any revenues of the authority and the mortgage of any property of the authority; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county or municipality of this state to invest in bonds of the authority; to provide that the bonds shall be legal investments for fiduciaries, savings banks, and insurance

companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the issuance; and to provide for the dissolution of any such authority and the disposition of its property.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 596, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Anderson:

H. 597. To amend Section 34-11-8, Code of Alabama 1975, relating to the renewal of certificates of registration for professional engineers and professional land surveyors, to exempt licensees 65 years of age or over from the annual renewal fee and from continuing education requirements.

COMMITTEE ON JUDICIARY

By Representative Hawkins:

H. 598. To amend Section 13A-6-2, Code of Alabama 1975, relating to murder by providing that a person commits murder if while the person is committing certain felonies he or another person present causes the death of another person.

COMMITTEE ON JUDICIARY

By Representative Gaines:

H. 599. To amend Section 15-19-6, Code of Alabama 1974, relating to disposition of a person adjudged a youth offender by authorizing the courts to impose terms or ranges of punishment according to the classification of the underlying felony charge, providing for a term or range of punishment for a defendant charged with two underlying felony charges at the term providing for the highest class felony charged; to provide terms of punishment for an underlying felony charge where the defendant caused serious physical injury or caused the death of another person, was armed with a deadly weapon or dangerous instrument during the commission of the underlying felony charge, or where the defendant is charged with three or more underlying felonies or where the enhancement provisions for sale of drugs near a school, or a public housing project, would apply to the underlying felony of the defendant.

COMMITTEE ON JUDICIARY

By Representative Haynes:

H. 600. To amend Section 12-16-63, Code of Alabama 1975, providing for jury service, so as to further provide for excusing certain prospective jurors from service.

COMMITTEE ON JUDICIARY

By Representative Haynes:

H. 601. To provide that a person convicted of certain violent crimes shall be required to serve 85 percent of the sentence imposed, that the victim of the defendant may testify at the sentencing hearing, and that the victim be notified whenever the defendant is released from the custody of the Department of Corrections.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 602. To amend Section 33-4-38 of the Code of Alabama 1975, which provides for the levy, payment, and disposition of the license tax of a ship pilot, to increase the amounts.

COMMITTEE ON WAYS AND MEANS

By Representative Harper (With Notice and Proof):

H. 603. Relating to Mobile County; amending Section 1 of Act 91-500, H. 1002, 1991 Regular Session, providing for additional compensation to members of the boards of directors of certain public utility authorities to provide for an increase in compensation.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Spratt, Curry, Ford, McClain, Hilliard, Perdue, Barnes, McDaniel, Rogers (J), Payne, Hawkins, McDowell, Thomas, Anderson, Kennedy, Buskey, Clark (W), Holley, and Flowers:

H. 604. To further provide for stalking and aggravated stalking; to provide further for the conduct of stalking or aggravated stalking if the person has been previously convicted of stalking or aggravated stalking or a violent crime involving certain victims and to provide for enhanced felony punishment.

COMMITTEE ON JUDICIARY

By Representatives Cosby, Thomas, Warren, Dolbare, Black (L), Bryant, and Blakeney:

H. 605. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry, Clark (J), and Harper:

H. 606. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil and to provide an exemption for natural gas lawfully vented or flared in connection with the production of gas from the Conservation and Production Tax and the Privilege Tax.

COMMITTEE ON OIL AND GAS

By Representatives Hilliard, Spratt, McClain, Rogers (J), and Barnes:

H. 607. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

By Representative Morton:

H. 608. To exempt the Eastern Area Christian Ministries from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 609. To make a supplemental appropriation from the ABC Profits and the Whiskey Tax to the Department of Human Resources for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 610. Relating to the compensation of the sheriff, chair of the county commission who serves full time, and the judge of probate of the several counties;

to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs so as to provide for an increase in that compensation and to provide that the sheriff, chair of the county commission who serves full time, and judge of probate shall each receive an annual salary that is not less than the greater amount paid to either of the other two officers from the same county.

COMMITTEE ON STATE ADMINISTRATION

RESOLUTIONS

The following resolutions were introduced:

By Representative Freeman:

H.J.R. 118. COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, the Legislature of Alabama most heartily congratulates Coach Doug Ross of the University of Alabama in Huntsville (UAH), the winningest coach in the history of the UAH hockey program, who posted his 200th victory at the University on January 9, 1994; and

WHEREAS, Coach Ross, All-American and a member of the U.S. National Hockey Team in 1975, also is a former Olympian as a right wing on the 1976 U.S. Olympic Team that tied for 3rd place, and is ranked 40th in the NCAA coaches all-time list; and

WHEREAS, having coached previously for one season at Ohio State, and two at Kent State, Coach Ross has been at UAH since the 1982-83 season and, under his leadership, the Chargers have competed in the 1983 and 1984 U.S. National Club Championships, and placed 2nd in the 1985 U.S. Club Nationals; and

WHEREAS, he also coached 1982 and 1990 teams to Gold Medals in the U.S. Olympic Sports Festivals; coached the Chargers to the National Championship title in 1983; and has coached this year's team to first in the nation in NCAA Division II Hockey; and

WHEREAS, Coach Ross, however, in addition to his responsibilities as UAH hockey coach, also directs the UAH tennis camps and hockey summer camps; is a coach in the HAH league; and is a volunteer baseball coach, and volunteer fireman for the Green Mountain Fire Department, among many other community endeavors; and

WHEREAS, Coach Ross and his wife, Barbara, also stay busily involved in the lives and activities of their four children, Lindsey, Jared, Colby and Garrett; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and on the occasion of his 200th victory (now 200+) as hockey coach at the University of Alabama in Huntsville, we hereby most highly commend and congratulate Coach Doug Ross, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 118, was read and referred to the Standing Committee on Rules.

Also:

By Representatives McMillan and Penry:

H.J.R. 119. RECOGNIZING CAROLYN LEE GOODLOE FOR DISTINGUISHED SERVICE TO BALDWIN COUNTY UNITED.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the many accomplishments of Carolyn Lee Goodloe during her tenure as Executive Director of Baldwin County United (BCU); and

WHEREAS, among numerous contributions, Ms. Goodloe worked with members of the South Alabama Regional Planning Commission and the county governing body; initiated and coordinated a county-wide survey of residents; and provided for town meetings to be held throughout Baldwin County to develop a long-range plan for Baldwin County; and

WHEREAS, she further worked closely with the Domestic Violence Task Force, and on the publication of a Community Service Guide and the printing of an informational brochure for BCU; and

WHEREAS, in an extension of her successful endeavors, Ms. Goodloe coordinated informational meetings on educational reform, as well as joint meetings of the county's governing body, legislative delegation, municipal officials and other local and county officials, and worked to expand and improve Leadership Baldwin County; and

WHEREAS, also under her direction, a countywide economic development committee was implemented; membership and finances of BCU were revitalized; annual strategy/planning sessions were initiated; and a permanent office for BCU was established; and

WHEREAS, Ms. Goodloe indeed had a profound impact on the progress and development of Baldwin County United as Executive Director from 1990 to 1993, and it is with sincere gratitude that her many accomplishments are acknowledged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding and dedicated service to Baldwin County United, we hereby most highly commend Carolyn Lee Goodloe, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 119, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 120. MOURNING THE DEATH OF MRS. HELEN LINING CORNELL OF MOBILE, ALABAMA.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the lamentable death of Helen (Ora) Lining Cornell of Mobile, Alabama, on November 15, 1993; and

WHEREAS, a native of Catherine, Wilcox County, Alabama, and a longtime resident of the Spring Hill community, Mrs. Cornell was a former educator, having taught at Murphy High School and Austin Elementary School, and later, along with her husband, Mr. Edward T. Cornell, founded Spring Hill Lighting and Supply, Inc.; and

WHEREAS, she also was a member of St. Ignatius Catholic Church, and was active in numerous religious organizations, such as the Legion of Mary, St. Ignatius Altar Society, Friends of the Visitation Monastery, and Little Sisters of the Poor, and provided support as well to many other community organizations and projects; and

WHEREAS, in the death of Mrs. Ora Cornell, her family, church, community and friends, have indeed suffered an inconsolable loss and, even yet, are sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Helen (Ora) Lining Cornell, and extend our most heartfelt sympathy to her husband; to her daughter and son, Mrs. Rebecca C. McPhillips and Edward D. Cornell; her five grandchildren; and to other family members, for whom a copy of this resolution shall be provided that they may know we sincerely share the sorrow of their loss.

The resolution, H.J.R. 120, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 121. MOURNING THE DEATH OF JAMES V. MCCONNELL OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of James V. McConnell of Mobile, Alabama, on January 26, 1994, at the age of 79 years; and

WHEREAS, Mr. McConnell, a native of Birmingham, and a longtime resident of Mobile, was owner of Trail Pontiac Cadillac, later McConnell Cadillac, a well-known dealership, from 1954 until his retirement in 1982; and

WHEREAS, during his longtime career, Mr. McConnell served in such prominent positions as president of the Cadillac National Dealer Council and the Mobile New Car Dealers Association and, on several occasions, received the Cadillac/Pontiac Master Dealer Award, the highest award given a dealer by the manufacturer; and

WHEREAS, a member of Cottage Hill Baptist Church, Mr. McConnell was an enthusiastic supporter of youth sports as well as numerous charity organizations and efforts, including cancer research at the University of South Alabama; and

WHEREAS, a graduate of Ramsey High School in Birmingham, Mr. McConnell played minor league baseball for three years in Georgia, and served with Standard Brands and later as personnel director for Bectel McCone Parsons Corporation, a military aircraft firm in Birmingham, during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James V. McConnell of Mobile, Alabama, and extend deepest sympathy to his wife, Mary Louise McConnell; sons, Jim McConnell, Jr., and Eddie McConnell; daughter, Mary Lou Layden; sister, Annie Mae Wells; and to other family members, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 121, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 122. MOURNING THE DEATH OF MARIE TIPTON CLOTFELTER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the lamentable death of Marie Tipton Clotfelter of Mobile, Alabama, on November 22, 1993; and

WHEREAS, Mrs. Clotfelter, a native of Albertville, Alabama, and a resident of Mobile since 1959, served with the Mobile County Public School System as secretary at Davidson High School until her retirement in July 1993; and

WHEREAS, she was a member of St. Mark United Methodist Church and was a past president of the parent and teacher associations at Fonde Elementary School, Azalea Middle School, and Davidson High School; and

WHEREAS, she also was an honorary Life Member of the Alabama Congress of Parents and Teachers and was the recipient of the Mary B. England Award and the Heart of Gold Award, presented by the Board of School Commissioners of Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Marie Tipton Clotfelter of Mobile, Alabama, and extend deepest heartfelt sympathy to her daughters, Mrs. Janice Hodge, Mrs. Karen Mount, Mrs. Connie Colley, Mrs. Hydee Hegler, and Mrs. Betty Bassett, Jr.; to her son, Howard M. Clotfelter; and to other family members for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 122, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 123. MOURNING THE DEATH OF IRIS CREEL CAMPBELL EVERETT OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Iris Creel Campbell Everett of Mobile, Alabama, on September 17, 1993; and

WHEREAS, Mrs. Everett, a native and lifelong resident of Mobile, was a devoted member of St. Luke's Episcopal Church, where she served as a member of the Altar Guild, and of the Historic Mobile Preservation Society; and

WHEREAS, a highly respected member of her community, her death has indeed left an unfathomable void in the hearts of her family, neighbors, and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Iris Creel Campbell Everett of Mobile, Alabama, and extend deepest sympathy to her husband, Jackson Perry Everett; son, Robert E. Campbell, Jr., and daughter-in-law, Judy Campbell; to her five grandchildren and one great grandchild; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

The resolution, H.J.R. 123, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Rockhold, Gaston, Kvalheim, Gullatt, Mikell, Blakeney, McKee, Flowers, Bowling and Zoghby:

H.J.R. 124. URGING ALL LAW ENFORCEMENT TO ASSIST IN LOCATING ALZHEIMER DISEASE VICTIMS WHO ARE MISSING FROM THEIR HOMES AND FAMILIES.

WHEREAS, the Alabama Legislature notes that the victims of Alzheimer's Disease and their care givers have many unmet needs and primary among these is the inability of the advanced Alzheimer Disease victim to remember even elementary personal data such as their name, home phone number, and family residence; and

WHEREAS, when an Alzheimer's Disease victim wanders from home or is lost, there is unspeakable fear and frustration to both the victim and care giver and the missing person can suffer physical harm or even death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most strongly urge state and local law enforcement personnel to give top priority to locating missing persons who are Alzheimer Disease victims at the request of the family, or other care giver.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Sheriffs' Association and the State Association of the Fraternal Order of Police.

The resolution, H.J.R. 124, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.R. 125. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 8, 1994, we adjourn to meet again on Thursday, February 10, 1994, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 125, was adopted.

Also:

By Representatives Rockhold and Harper:

H.J.R. 126. COMMENDING JOY M. HANSEL, TILLMAN'S CORNER CITIZEN OF THE YEAR FOR 1993.

WHEREAS, the Legislature of Alabama notes with pleasure the recent bestowal of Tillman's Corner Citizen of the Year honors upon Joy M. Hansel of Theodore, Alabama, by the Tillman's Corner Chamber of Commerce, in recognition of Ms. Hansel's outstanding service to the community; and

WHEREAS, Ms. Hansel, a registered nurse employed by Mobile's Providence Hospital, is an active member of the Chancel Choir at Theodore United Methodist Church, which she serves as co-director of the Youth Choir, and she is assistant coach for the girls' softball team at the Theodore Athletic Association; and

WHEREAS, most especially, however, Ms. Hansel has dedicated her efforts in volunteer service to Meadowlake Elementary School, where she served as President of the P.T.O. for the past three years, as director of the school's choir, and as parent coordinator for the Meadowlake Beautification Project; and

WHEREAS, also at Meadowlake Elementary, she coordinated the schedules of volunteer parents for the Magic School Business Reading Lab, and for the tabulation of Delchamps receipts collected by students and parents for the chain's "Cash Back for Schools" program; and

WHEREAS, Ms. Hansel, additionally, was instrumental in bringing Dr. Tom Jambor to Meadowlake to plan and coordinate the construction of a playscape; she then voluntarily assumed responsibility for obtaining the necessary supplies and materials, and organized volunteers to assist with the construction work, which resulted in the completion of the playscape in just four days; and

WHEREAS, not only is Ms. Hansel diligent in service and support of Meadowlake Elementary School, but is a staunch advocate on behalf of all children and schools, as evidenced by her representation of parents and students on issues presented before the Mobile County School Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and

commend Joy M. Hansel on her selection as Tillman's Corner 1993 Citizen of the Year, and do further direct that she receive a copy of this resolution of highest personal regard.

The resolution, H.J.R. 126, was read and referred to the Standing Committee on Rules.

Also:

By Representative Cosby:

H.J.R. 127. DESIGNATING NATIONAL TOURISM WEEK 1994, IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding, and goodwill; and

WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$3.7 billion to the economy in 1993 and, during that time, several million tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 74,000 jobs in 1993 in Alabama, accounting for a payroll of \$1.9 billion and \$412 million in tax reserve; and

WHEREAS, the tourism industry provides employment for more youth, women, and minorities than any industry in Alabama; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 1-7, 1994, is designated as "National Tourism Week" in Alabama and Jim Folsom, Governor of the State of Alabama, is requested to issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Folsom and to the Alabama Bureau of Tourism and Travel, the Alabama Hotel and Motel Association, and the Alabama Travel Council.

The resolution, H.J.R. 127, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 101. COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

Also:

H.J.R. 106. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retro-active substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

McDOWELL LEE
Secretary

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Cullins, the Budget Isolation Resolution relating to the bill, H. 48, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carter, Clay, Collins, Crow, Cullins, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Johnson, Knight (A), Knight (J), Kvalheim, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (T), Payne, Rich, Rockhold, Sanderford, Venable, Walker and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 48. Proposing an amendment to Amendment No. 297 to the Constitution of Alabama of 1901 pertaining to Tallapoosa County to authorize the county commission to alter costs and charges of court.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Haynes, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-67

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Cullins, the Budget Isolation Resolution relating to the bill, H. 549, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Carns, Collins, Cullins, Freeman, Fuller, Goodwin, Hall (A), Hamilton, Hammett, Haney, Hill, Holladay, Holley, Johnson, Knight (A), Kvalheim, McDaniel, Mikell, Morrow, Page, Parker (P), Parker (T), Payne, Rich, Sanderford, Smith (C), Smith (R), Starkey, Walker, Warren and Williams.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 549. Relating to Tallapoosa County; authorizing the additional fee on civil and criminal cases in the county with the proceeds to be used for the operation and maintenance of the county jail; and providing for the levy of the fee, effective July 1, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Bowling, Bryant, Cagle, Carns, Carter, Clay, Collins, Crow, Cullins, Dolbare, Goodwin, Gullatt, Hamilton, Hammett, Haney, Hill, Hogan, Holmes, Johnson, Knight (A), Knight (J), McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rich, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Turner, Venable, Warren and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, H. 39, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 40, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Bowling, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Drake, Freeman, Gaines, Gaston, Hall (A), Hammett, Haney, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McDowell, McMillan, Melton, Mikell, Morrow, Page, Parker (P), Payne, Penry, Rich, Rockhold, Rogers (J), Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 40. Relating to Mobile County; authorizing the Mobile County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

was taken up.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 40:

On page 3, line 5, after the word "farm," add the following: or to any company, corporation, or business which currently has a program for the accumulation, handling, or disposal of its own waste wood products, scrap metal, or other waste materials including the sale of the materials to scrap dealers or recyclers when the material is stored on-site for not more than 60 days.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Box, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Freeman, Gaston, Gullatt, Hall (A), Hammett, Hill, Hogan, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Lindsey, McDowell, McMillan, Melton, Mikell, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rich, Rockhold, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 40, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Biddle, Bowling, Box, Cagle, Carns, Carter, Clay, Crow, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Haney, Hawkins, Hill, Hogan, Kennedy, Knight (A), Kvalheim, McClain, McDaniel, McKee, Mikell, Morrow, Page, Parker (P), Parker (T), Payne, Rich, Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turner, Walker, Willis and Zoghby.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Rockhold intended to vote "Yea" on passage of the bill, H. 40.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, H. 559, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hill, Hogan, Holmes, Kennedy, Knight (A), Kvalheim, Lindsey, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rockhold, Rogers (J), Smith (C), Smith (R), Turner, Willis and Zoghby.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 559. To exempt the Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Higginbotham, Hill, Hogan, Holladay, Holmes, Kennedy, Knight (A), Kvalheim, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rich, Rockhold, Rogers (J), Smith (C), Smith (R), Warren, Williams, Willis and Zoghby.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, H. 313, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carter, Clay, Crow, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hogan, Holmes, Johnson, Kennedy, Kvalheim, McClain, McMillan, Melton, Mikell, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rich, Rockhold, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Walker, White, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 313. To amend further Section 16 of Act No. 243, H. 278, First Special Session of 1964, as amended, which provides for the pension and relief system for policemen and firefighters of the City of Mobile, to provide for disability and death benefits for police officers resulting from certain occupational diseases.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Page, Parker (P), Parker (T), Payne, Penry, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, White, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turner, the Budget Isolation Resolution and the bill, H. 506, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, H. 551, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bowling, Bryant, Carothers, Carter, Clay, Collins, Crow, Cullins, Dolbare, Drake, Freeman, Gaston, Hall (A), Hamilton, Hammett, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDowell, McKee, McMillan, Melton, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Williams and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 551. Relating to Coffee County; providing for the fee for the issuance of pistol permits; providing for the deposit of distribution of the funds; and repealing Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Drake, Freeman, Hall (A), Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Layson, Mathis, McClain, McMillan, Melton, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Williams and Willis.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, H. 553, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Hall (A), Hamilton, Hammett, Haney, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, White and Willis.

-64

And the bill:

H. 553. Relating to Coffee County; providing for the appointment of deputy coroners.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaston, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Holley, Holmes, Johnson, Knight (A), Kvalheim, McClain, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Parker (P), Parker (T), Payne, Penry, Poole, Rich, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Turnham, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Mikell, the Budget Isolation Resolution and the bill, H. 149, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Mikell, the Budget Isolation Resolution and the bill, H. 326, were temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 128. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the tenth legislative day, Tuesday, February 8, 1994, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to 10 minutes. Any bill that is carried over will automatically revert back to the regular order calendar.

And the Following Bills:

Inst Id	Page
<u>H. 272</u> - By Lindsey	38

Trucks or truck tractors, add'l. class estab. for licensing and registration, Sec. 40-12-248 am'd.

- H. 131 - By Flowers 36
Insurance Holding Company System Regulatory Act, estab., for compliance with model act adopted by National Association of Insurance Commissioners, Secs. 27-29-1 to 27-29-5 am'd.
- H. 121 - By Venable (As Substituted) 39
Absentee voting, administration further provided, penalties, Secs. 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, 17-12-8 am'd.
- H. 489 - By Butler (As Amended) 79
Small Business Development Commission estab., termination date, approp.
- H. 281 - By Hamilton 75
Hunting licenses, nonresident fees, deer season, Secs. 9-11-46 to 9-11-49 am'd.
- H. 266 - By Freeman (As Amended) 50
University of Alabama, police officers, arrest powers reg., Sec. 16-47-10 am'd.
- H. 22 - By Butler 43
Motor vehicles, issuance of distinctive license plates for out-of-st. colleges, distrib., Secs. 32-6-150 to 32-6-156 am'd.
- H. 111 - By Drake 31
Plumbers and Gas Fitters Examining Board, appt. of deputy dir., duties, comp., Secs. 34-37-4, 34-37-5 am'd.
- H. 69 - By Holley 45
Motor vehicles, farm trucks, weight up to 80,000 lbs., special license tax and registration fee, Sec. 40-12-248 am'd.
- H. 247 - By Hill 2
Bank owning automated teller machine may charge transaction fee to users, Sec. 5-5A-30 am'd.

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H. 228 - By Harper (As Amended)

24

Medical scholarships, max. amt. incr., procedure alt., Secs. 16-47-121, 16-47-123 through 16-47-128 am'd.

H. 93 - By Gullatt

8

Counties and municipal corps., engaging in business without a license, fees and penalties incr., Secs. 11-51-90, 11-51-93 am'd.

H. 486 - By Kvalheim

74

Alabama High School Legislative Leadership Academy
estab. at University of South Alabama

H. 443 - By Zoghby

64

Fiduciary capacities for foreign corporations, expanded, Sec. 10-2A-221 am'd.

H. 344 - By Newton (C)

62

Medicare supplement policies, time to return policy by applicant, 30 days, Sec. 27-19-57 am'd.

H. 514 - By Gaston

80

Tax credit for donation of qualified high technology equipment to public schools

H. 291 - By McKee

27

Football playoffs conducted by primary and secondary public schools, tax exemption, continued collection and retention of funds by collecting school, Sec. 40-23-2 am'd.

H. 516 - By Haynes (As Substituted)

83

Child support, parent, guardian or Human Resources Dept., may bring civil action for child support that is past due

H. 84 - By Hawkins

23

Physical Therapy Bd., supp. approp.

<u>H. 31</u> - By Laird	68
Municipalities req. to reimburse fire dists. or volunteer fire depts. for lost revenue when their territory is annexed into the mun.	
<u>H. 424</u> - By McDowell (As Substituted)	52
Handgun violations, ordinance re st. law, violations, jurisdiction of mun. ct., Sec. 11-45-1.1 am'd.	
<u>H. 268</u> - By Smith (C)	37
Livestock, definition alt., Secs. 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, 2-15-150 am'd.	
<u>H. 320</u> - By Turnham	45
Insurance Dept., supp. approp. to implement Act 93-713 re explosives	
<u>H. 523</u> - By Clay	72
Insurance premium finance companies reg., max. service charge, time limits, Secs. 27-40-1, 27-40-8, 27-40-12, 27-40-15, 27-40-17 am'd.	
<u>H. 237</u> - By Biddle	37
Deer hunting dogs, unauthorized release onto land of another, prohib.	
<u>H. 403</u> - By Johnson	73
Local bds. of ed., may expend funds to honor excellence in ed., const. amend.	
<u>H. 8</u> - By Campbell	42
Conveyances, requirement that names of parties or actual consideration be included, eliminated, Sec. 35-4-411 am'd.	
<u>H. 372</u> - By White	68
Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.	

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H. 487 - By Box (As Amended)

54

Paternity, Uniform Parentage Act, procedures, voluntary acknowledgment, genetic testing, presumptions, Secs. 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, 26-17-15 am'd.

H. 54 - By Hooper

6

Legislature, req. to provide funding for cert. laws, const. amend.

H. 314 - By McDaniel

38

Agricultural and Conservation Development Commission, appt. of designees and replacement of designees provided for, Sec. 9-8A-3 am'd.

H. 544 - By McDaniel (As Amended)

81

Contracts, rescission of between principal agents to provide for method and time of payments of fees, Secs. 8-24-1 to 8-24-5 am'd.

H. 267 - By Morrow

32

State employees, payment directly to contract facilities to be made when fighting forest fire or other emergencies, Sec. 36-7-20 am'd.

H. 343 - By Carothers (As Amended)

34

Tax officials, min. comp. provided, Sec. 40-6A-2 am'd.

On motion of Representative Carter, the resolution, H.R. 128, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 272, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Haynes, Hill, Hilliard, Hogan, Holley, Johnson, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Sanderson, Smith (R), Spratt, Thomas, Turnham, Venable, Warren, Williams and Willis.

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And the bill:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

was taken up.

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 272:

Page 1, line 16, insert the following language after the word "would": define the word "farmer" and

Page 2, line 1, insert the following language after the semicolon: define the word "farmer";

Page 2, line 5, by adding the following as Section 1:

Section 1. Section 40-12-240 of the Code of Alabama 1975, is amended to read as follows:

"§40-12-240.

For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

(1) Dealer. Every person currently licensed by this state to engage in the business of buying, selling, or exchanging vehicles required to be registered hereunder who has an established place of business for such purpose in this state and to whom current dealer registration plates have been issued by the department of revenue.

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(2) Established place of business. A place actually occupied either continuously or at regular periods at or from which a business or a part thereof is transacted.

(3) Farmer. Any person engaged in the raising and growing of farm products on a farm of not less than ten acres in area and who does not engage in the business of buying products for resale.

~~(3)~~ (4) Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements designed and used for agricultural purposes and only incidentally moved upon public highways.

(4) (5) Gross vehicle weight. Whenever used in Section 40-12-248, or elsewhere in this section, the empty weight of the truck or truck tractor, plus the heaviest load to be carried and, in the case of combinations, the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. The intent being that all licenses which are levied on the basis of the "gross vehicle weight" of the vehicle plus the heaviest load to be carried, as "gross vehicle weight" is hereinabove defined, shall be collected and enforced uniformly and in the same way.

~~(5)~~ (6) Jitney bus. A motor vehicle engaged in the business of carrying passengers for hire over, along, and upon a definite or substantially fixed route or routes, in the incorporated limits of any municipality or within 10 miles thereof, except where such vehicle is operated in conjunction with or in lieu of a street railway system or duly franchised bus operation authorized by the governing body of a city and the Alabama Public Service Commission, all such motor vehicles that are excepted in the exception clause of this definition being subject to the license tax specified in subsection (a) of Section 40-12-246.

(6) (7) Motor vehicle. Every vehicle which is self-propelled, every vehicle which is propelled by electric power from overhead trolley wires, and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer.

~~(7)~~ (8) Motorcycle. Every motor vehicle designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor bicycles, but not including farm tractors.

(8) (9) Municipality. Any incorporated city or town in this state.

~~(9)~~ (10) Nonresident. Every person who is not a resident of this state.

~~(10)~~ (11) Owner. Any of the following:

a. A person or persons holding the legal title to a motor vehicle;

b. The mortgagor or conditional vendee of a vehicle that is the subject of a chattel mortgage or an agreement for the conditional sale thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the mortgagor or conditional vendee, and

c. The lessee of a vehicle owned by the United States of America or any of its agencies or instrumentalities.

~~(11)~~ (12) Private passenger automobile. Every motor vehicle designed primarily for the transportation of nine persons or less except the following:

a. Motorcycles;

b. Motor vehicles used in the transportation of persons for hire;

c. Trailers or semitrailers; or

d. Self-propelled campers or house cars; and includes also every motor vehicle of the type usually referred to as a bus which is owned and operated by an individual for personal or private use and not for hire, rent or compensation. Motor trucks of the type commonly known as "pickups" or "pickup trucks," regardless of the use made of any such motor trucks and regardless of whether the owner thereof owns or has access to any other mode of transportation, shall not be deemed to constitute a private passenger automobile.

~~(12)~~ (13) Person. Every individual, firm, partnership, association, estate, trust, or corporation, and the receiver, assignee, agent, administrator, or other representative of any of them.

~~(13)~~ (14) Public highway. Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct, or trestle, located either within a municipality or in unincorporated territory, and laid out or erected as such by the public or dedicated or abandoned to the public or intended for use by or for the public. The term "public highway" shall apply to and include driveways upon the grounds of universities, colleges, schools, and institutions, but shall not be deemed to include private driveways, private roads, or private places not intended for use by the public.

~~(14)~~ (15) Semitrailer. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and some part of its load rest upon or are carried by another motor vehicle.

~~(15)~~ (16) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.

~~(16)~~ (17) Tax year. The tax year of this state, being the 12-month period commencing on each October 1.

~~(17)~~ (18) Trailer. Every vehicle without motive power designed to carry persons or property wholly on its own structure and to be drawn by another motor vehicle.

~~(18)~~ (19) Travel trailer. A vehicle without motive power, designed and constructed as a camping vehicle or a temporary dwelling, living, or sleeping place drawn by a private passenger automobile or a pickup truck, but not including folding or collapsible camping trailers included within the definition of utility trailer, nor manufactured homes as defined in Section 40-12-255(n).

~~(19)~~ (20) Truck. Every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure, every self-propelled motor vehicle of the types known as "campers" and "house cars" and every vehicle of the type commonly called a wrecker, which is used to move disabled motor vehicles for repair, storage, and other purposes.

~~(20)~~ (21) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn.

~~(21)~~ (22) Utility trailer. A trailer primarily designed to be drawn by a passenger car or pickup truck, including luggage trailers, folding or collapsible camping trailers, and other small trailers of similar size and function, but shall not include boat trailers.

~~(22)~~ (23) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by muscular power or used exclusively upon rails or tracks.

~~(23)~~ (24) Self-propelled campers or House cars. A self-propelled motor vehicle designed and used primarily for mobile living quarters. The living quarters on self-propelled campers or house cars are constructed as an integral part of the motor vehicle and are not detachable. Self-propelled campers or house cars are commonly known as motor homes.

All references in this article to the judge of probate shall be deemed to include the commissioner of revenue, license commissioner, or other county official designated by law to register motor vehicles, issue license plates, and perform other duties in connection with motor vehicle licenses."

and renumbering Sections 1 and 2 as Sections 2 and 3 respectively.

Page 4, line 4 by adding (c) before the word "The" at the beginning of line 4.

Page 4, line 13, after the ; and the word "and" insert the following language: and to register no more than one (1) truck or truck tractor to a maximum of two hundred and fifty dollars (\$250) where the gross weight of the truck or truck tractor does not exceed 80,000 pounds;

Page 4, line 24, by adding the following new language after the period: This section shall not be construed as to permit use of the vehicles either part time or incidentally in the conduct of any commercial enterprise or for the transportation of farm products after such commodities have entered the "channels of commerce" or to permit the use of a farm licensed vehicle in connection with other gainful employment,

Page 7, lines 10 through 13, by striking the language beginning with the word "the" on line 10 through the word "law" on line 13 and replacing it with the following new language: October 1, 1994

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, White, Williams and Willis.

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And the bill:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; define the word "farmer"; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Rich, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, White, Williams and Willis.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 272:

Representatives Anderson, Barnes, Beasley, Black (M), Bowling, Bryant, Cagle, Carothers, Carter, Clark (J), Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Hall (A), Harvey, Hawkins, Hilliard, Hogan, Holley, Johnson, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Page, Parker (P), Parker (T), Penry, Rich, Richardson, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Warren, Williams and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 131, was adopted.

Yeas 69; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retro-active substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

Also:

H.J.R. 101. COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

Also:

H.J.R. 106. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 570 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 570, from the Standing Committee on Education to the Standing Committee on State Administration.

SPECIAL ORDER CALENDAR RESUMED

And the bill:

H. 131. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

was taken up.

SUBSTITUTE OFFERED

Representative Flowers offered the following substitute to the bill, H. 131:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The purpose of this act is to make Alabama law substantially similar to the model Insurance Holding Company System Regulatory Act adopted by the National Association of Insurance Commissioners so as to make the Alabama Department of Insurance eligible for accreditation by the National Association of Insurance Commissioners.

Section 2. Sections 27-27-37, 27-27-38, 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, are amended to read as follows:

"§27-27-37.

"(a) A domestic stock insurer shall not pay any cash dividend to stockholders except out of that part of its available surplus funds which is derived from realized net profits on its business.

"(b) A stock dividend may be paid out of any available surplus funds in excess of the aggregate amount of surplus loaned to the insurer under section 27-27-40.

"(c) A dividend otherwise proper may be payable out of the insurer's surplus even though its total surplus is then less than the aggregate of its past contributed surplus resulting from issuance of its capital stock at a price in excess of the par value thereof if payment is conditioned upon receipt of the Commissioner's approval and the insurer does not pay the dividend until the Commissioner has done the following:-

"(1) Approved the payment of the dividend, or

"(2) Not disapproved the payment of the dividend within 30 days after receipt of notice from the insurer of the declaration thereof.

"§27-27-38.

"(a) The directors of a domestic mutual insurer may, from time to time, apportion and pay or credit to its members dividends only out of that part of its surplus funds which represents net realized savings and net realized earnings in excess of the surplus required by law to be maintained.

"(b) A dividend otherwise proper may be payable out of ~~such~~ the savings and earnings even though the insurer's total surplus is then less than the aggregate of its contributed surplus if payment is conditioned upon receipt of the Commissioner's approval and the insurer does not pay the dividend until the Commissioner has done the following:-

"(1) Approved the payment of the dividend, or

"(2) Not disapproved the payment of the dividend within 30 days after receipt of notice from the insurer of the declaration thereof.

"§27-29-1.

"For purposes of this chapter, unless otherwise stated, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) AFFILIATE. ~~Such~~ The term shall include an 'affiliate' of, or person 'affiliated' with, a specific person, and shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"(2) COMMISSIONER. The commissioner of insurance, his or her deputies, or the insurance department as appropriate.

"(3) CONTROL. Such The term shall include 'controlling,' 'controlled by,' or 'under common control with' and shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing five percent or more of the voting securities of any other person. ~~Any person who, on April 15, 1982, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing five percent or more, but not as much as 15 percent, of the voting securities of any person shall not be presumed to be in control of such person but shall not acquire, otherwise than by stock dividends, additional voting securities of such other person without being presumed to have acquired control and without complying with the provisions of this chapter relating to acquisition of control.~~ This presumption may be rebutted by a showing made in the manner provided by subsection (i) of section 27-29-4 that control does not exist in fact. Such 'control' as used in this section shall not be deemed to exist where proxies have been obtained by management of such insurer solely in connection with voting at an annual or other regular meeting of the shareholders of such insurer. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific finding of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

"(4) INSURANCE HOLDING COMPANY SYSTEM. A system which consists of two or more affiliated persons, one or more of which is an insurer.

"(5) INSURER. An insurance company as set forth in section 27-1-2, except that it shall not include:

"a. Agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

"b. Fraternal ~~benefits~~ benefit societies; or

"c. Nonprofit medical and hospital service associations.

"Notwithstanding the foregoing, for purposes of section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

"(6) PERSON. An individual, a corporation, a partnership, a limited partnership, an association, a joint-stock company, a trust, an unincorporated organization, or any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

"(7) SECURITYHOLDER. One who owns any security of such person, including common stock, preferred stock, debt obligations, and other security convertible into, or evidencing, the right to acquire any of the foregoing.

"(8) SUBSIDIARY. An affiliate controlled by such person, directly or indirectly, through one or more intermediaries.

"(9) VOTING SECURITY. Such The term shall include any security convertible into, or evidencing, a right to acquire a voting security.

"§27-29-2.

"(a) Authorization. Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries or affiliates in accordance with the provisions contained in this section. Such subsidiaries or affiliates may conduct any kind of business, or businesses, permitted by the Constitution and the laws of this state, and their authority to do so shall not be limited by reason of the fact that they are subsidiaries or affiliates of a domestic insurer.

~~"(b) Additional investment authority. In addition to any other statute of this state, now existing or hereafter enacted, expressly authorizing investments in common stock, preferred stock, debt obligations and other securities, a domestic insurer, other than a life and health insurer, may also invest in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates. In the event any such investments shall be made after April 27, 1981, then all such investments of such domestic insurer, whether made prior to or subsequent to April 27, 1981, shall be stated in all financial statements of such insurer filed with the commissioner at values determined as follows:~~

~~"(1) All investments in common stock, preferred stock and other equity securities in such subsidiaries or affiliates shall be valued at the net asset (book) value of such securities; and~~

~~"(2) All debt obligations shall be valued in accordance with standards and procedures established by the commissioner, which shall be in reasonable accord with the procedures and rules for valuing such securities as may be recommended, from time to time, by the National Association of Insurance Commissioners.~~

"(e) (b) Additional investment authority for life, disability and burial insurers. In addition to investments in common stock, preferred stock, debt obligations, and other securities permitted under all other sections of this title, a domestic life, disability and burial insurer may also:

"(1) Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries or affiliates, including, without limitation, domestic or foreign insurance subsidiaries or affiliates, amounts which do not exceed the lesser of 10 percent of such insurer's assets or 75 50 percent of the total of the insurer's capital and surplus as shown in the latest annual report of the insurer filed pursuant to subsection (a) of section 27-3-26, less the minimum capital and surplus required of said insurer for authority to transact insurance by sections 27-3-7 and 27-3-8, provided that after such investments, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments, investments in domestic and foreign insurance subsidiaries shall be excluded, and there shall be included:

"a. Total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary or affiliate, including all organizational expenses and contributions to capital and surplus of such subsidiary or affiliate, whether or not represented by the purchase of capital stock or issuance of other securities; and

"b. All amounts expended in acquiring additional common stock, debt obligations, and other securities and all contributions to the capital or surplus of a subsidiary or affiliate subsequent to its acquisition or formation;

~~"(2) If the insurer's total liabilities, as calculated for National Association of Insurance Commissioners annual statement purposes are less than 10 percent of assets, invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer's surplus as regards policyholders, considering such investment as if it were a disallowed asset, will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;~~

"(3) (2) Invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries ~~or affiliates, engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer~~ provided that each such subsidiary ~~or affiliate~~ agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subdivision (1) of this subsection or in sections 27-41-15 through 27-41-18 and 27-41-35. For the purpose of this subdivision, 'the total investment of the insurer' shall include:

"a. Any direct investment by the insurer in an asset; and

"b. The insurer's proportionate share of any investment in an asset by any subsidiary or affiliate of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of such subsidiary or affiliate;

"(4) (3) With the approval of the commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs; and.

~~"(5) Invest any amount in the common stock, preferred stock, debt obligations or other securities of any subsidiary or affiliate exclusively engaged in holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, and if following such investment all voting securities of such subsidiary would be owned by the insurer.~~

"(d) (c) Exemption from investment restrictions. Investments in common stock, preferred stock, debt obligations, or other securities of subsidiaries or affiliates made pursuant to subsection (b) or (e) of this section shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in this title applicable to such investments of insurers.

"(e) (d) Qualification of investment; when determined. Whether any investment pursuant to subsection (b) or (e) of this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations and the value of all previous investments in equity securities as of the date they were made.

"(f) (e) Cessation of control. If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after such investment shall have been made such investment shall have met the requirements for investment under any other section of this title, and the insurer has notified the commissioner.

"§27-29.3.

"(a) Filing and approval requirements. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for or acquire in the open market any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved or within 15 days after any such offer, request, or invitation is made or any such agreement is entered into, such person has filed with the commissioner and has sent to such insurer a statement containing the information required by this section and such offer, request, invitation, agreement, or acquisition either:

"(1) Has been approved by the commissioner in the manner prescribed in this section; or

"(2) Expressly states that it is subject to approval by the commissioner in the manner prescribed in this section.

"An offer, request, invitation, agreement, or acquisition which contains such a condition and which is approved by the commissioner in the manner so prescribed shall be effective and binding according to its terms from the date on which it was made.

"(b) Content of statement. The statement to be filed with the commissioner under this section shall be made under oath or affirmation and shall contain the following information:

"(1) The name and address of each person by whom, or on whose behalf, the merger or other acquisition of control referred to in subsection (a) of this section is to be effected (hereinafter called 'acquiring party'), and

"a. If such person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years; or

"b. If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are, or who have been selected to become, directors or executive officers of such person or who perform, or will perform, functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph a of this subdivision;

"(2) The source, nature, and amount of the consideration used, or to be used, in effecting the merger or other acquisition of control, a description of any transaction wherein funds were, or are to be, obtained for any such purpose, and the identity of persons furnishing such consideration; provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing such statement so requests;

"(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party, or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence, and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement; provided, however, that in the case of an acquiring party which is an insurer actively engaged in the business of insurance, the financial statements of such insurer need not be audited, except such audit may be required if the need therefor is determined by the commissioner;

"(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets, or to merge or consolidate it with any person or to make any other material change in its business or corporate structure or management;

"(5) The number of shares of any security referred to in subsection (a) of this section which each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (a) of this section, and a statement as to the method by which the fairness of the proposal was arrived at;

"(6) The amount of each class of any security referred to in subsection (a) of this section which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

"(7) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (a) of this section in which any acquiring party is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into;

"(8) A description of the purchase of any security referred to in subsection (a) of this section during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid, or agreed to be paid, therefor;

"(9) A description of any recommendations to purchase any security referred to in subsection (a) of this section made during the 12 calendar months preceding the filing of the statement by any acquiring party or by anyone based upon interviews or at the suggestion of such acquiring party;

"(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for and agreements to acquire or exchange any securities referred to in subsection (a) of this section and, if distributed, or additional soliciting material relating thereto;

"(11) The terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of securities referred to in subsection (a) of this section for tender and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto; and

"(12) Such additional information as the commissioner may, by rule or regulation, prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

"If the person required to file the statement referred to in subsection (a) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by subdivisions (1) through (12) of this subsection shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection (a) of this section is a corporation, the commissioner may require that the information called for by subdivisions (1) through (12) of this subsection shall be given with respect to such corporation, each officer and director of such corporation, and each person who is, directly or indirectly, the beneficial owner of more than 15 percent of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other materials relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

"(c) Alternative filing materials. If any offer, request, invitation, agreement, or acquisition referred to in subsection (a) of this section is proposed to be made by means of a registration statement under the Securities Act of 1933, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (a) of this section may utilize such documents in furnishing the information called for by that statement.

"(d) Approval by commissioner; hearings.

"(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection (a) of this section unless, after a public hearing thereon, he or she finds that:

"a. After the change of control, the domestic insurer referred to in subsection (a) of this section would not be able to satisfy the requirements for the issuance of a license to write the line, or lines, of insurance for which it is presently licensed;

"b. The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or to create a monopoly therein;

"c. The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer or prejudice the interest of its policyholders;

"d. The plans or proposals which the acquiring party has to liquidate the insurer, to sell its assets, or to consolidate or merge it with any person or to make any other material change in its business or corporate structure or management are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

"e. The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control.

"(2) The public hearing referred to in subdivision (1) of this subsection shall be held within 45 days after the statement required by subsection (a) of this section is filed, and at least 20 days' notice thereof shall be given by the commissioner to the person filing the statement. Not less than 15 days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner. The insurer shall give such notice to its securityholders. The commissioner shall make a determination within 30 days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses and offer oral and written arguments and, in connection therewith, shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the circuit courts of this state. All discovery proceedings shall be concluded not later than five days prior to the commencement of the public hearing.

"(e) Mailings to stockholders; payments of expenses. All statements, amendments, or other material filed pursuant to subsections (a) or (b) of this section and all notices of public hearings held pursuant to subsection (d) of this section shall be mailed by the insurer to its stockholders within 10 business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

"(f) Exemptions. The provisions of this section shall not apply to:

~~"(1) Any offer, request, invitation, or agreement to acquire or the acquisition by a person referred to in subsection (a) of this section of any voting security referred to in said subsection (a) which, immediately prior to the consummation of such offer, request, invitation, agreement or acquisition, was authorized but not issued and outstanding; provided, however, that after the acquisition of voting securities by such person that person shall not, either directly or indirectly, own, control, vote, hold, or otherwise have the right to acquire in any manner, 10 percent or more of the total issued and outstanding voting securities of the domestic insurer after the completion of such transaction. Any person proposing~~

~~to acquire authorized but not issued and outstanding voting securities of a domestic insurer whose total direct and indirect holdings, including the right to acquire voting securities, would, after such acquisition of voting securities, equal or exceed 10 percent of the total issued and outstanding voting securities of such insurer, shall be subject to the provisions of subsection (a) of this section;~~

"(2) ~~Any~~ any offer, request, invitation, agreement, or acquisition which the commissioner by order shall exempt therefrom as:

"a. (1) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer; or

"b. (2) As otherwise not comprehended within the purposes of this section.

"(g) Violations. The following shall be violations of this section:

"(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsections (a) or (b) of this section; or

"(2) The effectuation, or any attempt to effectuate, an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his or her approval thereto.

"(h) Jurisdiction; consent to service of process. The courts of this state are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his or her true and lawful attorney upon whom may be served all lawful process in any action or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his or her last known address.

"§27-29-4.

"(a) Registration. Every Insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section and Section 27-29-5. Any insurer which is subject to registration under this section shall register within 60 days after September 3, 1973, or 15 days after it becomes subject to registration, ~~which ever is later~~ and annually thereafter by June 1 of each year for the previous calendar year, unless the commissioner for

good cause shown extends the time for registration and, then, within such extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

"(b) Information and form required. Every insurer subject to registration shall file a registration statement on a form provided by the commissioner which shall contain current information about:

"(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

"(2) The identity of every member of the insurance holding company system;

"(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

"a. Loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

"b. Purchases, sales, or exchanges of assets;

"c. Transactions not in the ordinary course of business;

"d. Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

"e. All management and service contracts and all cost-sharing arrangements, ~~other than cost allocation arrangements based upon generally accepted accounting principles; and~~

"f. Reinsurance agreements; ~~covering all, or substantially all, of one or more lines of insurance of the ceding company; and~~

"g. Dividends and other distributions to shareholders; and

"h. Consolidated tax allocation agreements;

"(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

"(4) (5) Other matters concerning transactions between registered insurers and any affiliates as may be included, from time to time, in any registration forms adopted or approved by the commissioner.

"(c) Materiality. No information need be disclosed on the registration statement filed pursuant to subsection (b) of this section if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit or investments involving one half of one percent or less of an insurer's admitted assets as of December 31, next preceding, shall not be deemed material for purposes of this section.

"(d) Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition, but at least annually, as provided in subsection (a); provided, however, that subject to ~~subsection (e) of section 27-29-5,~~ each registered insurer shall so report all dividends and other distributions to shareholders within two five business days following the declaration thereof.

"(e) Termination of registration. The commissioner shall terminate the registration of any insurer which demonstrated that it no longer is a member of an insurance holding company system.

"(f) Consolidated filing. The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

"(g) Alternative registration. The commissioner may allow an insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (a) of this section and to file all information and material required to be filed under this section.

"(h) Exemptions. The provisions of this section shall not apply to any insurer, information, or transaction if, and to the extent that, the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

"(i) Disclaimer. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person, unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

"(j) Violations. The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

"§27-29-5.

"(a) Transactions with affiliates. Material transactions by registered insurers with their affiliates shall be subject to the following standards:

"(1) The terms shall be fair and reasonable;

"(2) Charges or fees for services performed shall be reasonable;

"(3) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

"~~(2)~~ (4) The books, accounts, and records of each party will be so maintained as to clearly and accurately disclose the precise nature and details of the transactions; and

"~~(3)~~ (5) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder; affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

"(b) The following transactions involving a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into such transaction at least 30 days prior thereto, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period.

"(1) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments provided the transactions are equal to or exceed:

"a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;

"b. With respect to life insurers, three percent of the insurer's admitted assets as of the 31st day of December next preceding;

"(2) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit provided the transactions are equal to or exceed:

"a. With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;

"b. With respect to life insurers, three percent of the insurer's admitted assets as of the 31st day of December next preceding;

"(3) Reinsurance agreements or modifications thereto in which the reinsurance premium or a change in the insurer's liabilities equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding, including those agreements which may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer;

"(4) All management agreements, service contracts, and all cost-sharing arrangements; and

"(5) Any material transactions, specified by regulation, which the commissioner determines may adversely affect the interests of the insurer's policyholders.

"Nothing herein contained shall be deemed to authorize or permit any transactions which, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

"(c) A domestic insurer may not enter into transactions which are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that such separate transactions were entered into over any 12-month period for that purpose, he or she may exercise his or her authority under Section 27-29-10.

"(d) The commissioner, in reviewing transactions pursuant to subsection (b), shall consider whether the transactions comply with the standards set forth in subsection (a) and whether they may adversely affect the interests of policyholders.

"(e) The commissioner shall be notified within 30 days of any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds 10 percent of the corporation's voting securities.

"(f) Adequacy of surplus. For purposes of this chapter in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

"(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

"(2) The extent to which the insurer's business is diversified among the several lines of insurance;

"(3) The number and size of risks insured in each line of business;

"(4) The extent of the geographical dispersion of the insurer's insured risks;

"(5) The nature and extent of the insurer's reinsurance program;

"(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

"(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

"(8) The surplus as regards policyholders maintained by other comparable insurers;

"(9) The adequacy of the insurer's reserves; and

"(10) The quality and liquidity of investments in subsidiaries made pursuant to section 27-29-2. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his or her judgment such investment so warrants; and

"(11) The quality of the company's earnings and the extent to which the reported earnings include extraordinary items.

~~"(e) (g) Dividends and other distributions. No insurer subject to registration under section 27-29-4 shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until:~~

~~"(1) Thirty days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or~~

~~"(2) The commissioner shall have approved such payment within such 30-day period.~~

~~"For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of:~~

~~"(1) Ten percent of such insurer's surplus as regards policyholders as of December 31, next preceding; or~~

~~"(2) The net gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the 12-month period ending December 31, next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.~~

~~"Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until:~~

~~"(1) The commissioner has approved the payment of such dividend or distribution; or~~

~~"(2) The commissioner has not disapproved such payment within the 30-day period referred to above.~~

"(1) A domestic insurer shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until 30 days after the commissioner has received notice of the declaration of the dividend or distribution and has not disapproved such payment within the period, or until the time the commissioner has approved the payment within the 30-day period.

"For purposes of this paragraph, an 'extraordinary dividend or distribution' includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of the following:

"a. Ten percent of the insurer's surplus as regards policyholders as of the 31st day of December next preceding; or

"b. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, if the insurer is not a life insurer, for the 12-month period ending the 31st day of December next preceding.

"An extraordinary dividend or distribution does not include pro rata distributions of any class of the insurer's own securities.

"(2) A domestic insurer subject to registration under Section 27-29-4 shall report to the commissioner all dividends to shareholders within five business days following the declaration of the dividends and not less than 10 days prior to the payment of the dividends. This report shall also include a schedule setting forth all dividends or other distributions made within the previous 12 months.

"(3) Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval of the dividend or distribution. Such declaration does not confer any rights upon shareholders until the commissioner has approved the payment of the dividend or distribution or the commissioner has not disapproved the payment within the 30-day period as provided in subdivision (1).

"(4) The commissioner shall assess such reasonable charges as he or she deems necessary for the review conducted pursuant to this section. All funds received shall be deposited in the State Treasury to the credit of the special examination revolving fund, from which the expenses incurred shall be paid."

Section 3. Recovery.

(a) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, (i) from any parent corporation or holding company or person or affiliate who otherwise controlled the insurer, the amount of distributions (other than distributions of shares of the same class of stock) paid by the insurer on its capital stock, or (ii) any payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by the insurer or its subsidiary to a director, officer, or employee, where the distribution or payment pursuant to (i) or (ii) is made at any time during the one year preceding the petition for liquidation, conservation, or rehabilitation, as the case may be, subject to the limitations of subsections (b), (c), and (d) of this section.

(b) No such distribution shall be recoverable if the parent or affiliate shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(c) A person who was a parent corporation or holding company or a person who otherwise controlled the insurer or affiliate at the time such distributions were paid shall be liable up to the amount of distributions or payments under subsection (a) which the person received. A person who otherwise controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions he or she would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(d) The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the impaired or insolvent insurer to pay the contractual obligations of the impaired or insolvent insurer and to reimburse any guaranty funds.

(e) To the extent that any person liable under subsection (c) of this section is insolvent or otherwise fails to pay claims due from it pursuant to the subsection, its parent corporation or holding company or person who otherwise controlled it at the time the distribution was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the parent corporation or holding company or person who otherwise controlled it.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Warren and Willis.

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And the bill:

H. 131. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Carothers, Clark (W), Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell,

McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Warren, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Flowers intended to vote "Yea" on passage of the bill, H. 131.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Venable, the Budget Isolation Resolution and the bill, H. 121, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 489, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hamilton offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 281.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hamilton, the bill, H. 281, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 266, was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Petelos, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representative Cullins.

- 1

And the bill:

H. 266. (With Amendment): Amending Section 16-47-10 of the Code of Alabama 1975, granting additional arrest powers to police officers of the University of Alabama, and allowing the police officers to carry the offenders to municipal court.

was taken up.

SUBSTITUTE OFFERED

Representative Freeman offered the following substitute to the bill, H. 266, and to the pending amendment reported by the Standing Committee on Judiciary:

A BILL TO BE ENTITLED AN ACT

Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-47-10 and 16-52-12, Code of Alabama 1975, are amended to read as follows:

"§16-47-10.

"The president of the university ~~has authority to~~ may appoint or employ one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property of the university. Such person shall be charged with all the duties and invested with all the powers of police officers. The officer may eject trespassers from the university buildings and grounds. The officer may, without warrant, arrest persons guilty of disorderly conduct, or of trespass on the property of the institution, or in any circumstance in which an arrest by a police officer without a warrant is authorized by law, and carry them before the nearest district court or municipal court charged with the trial of such offenders. ~~before whom, upon~~ Upon proper affidavit charging the offense, ~~such the person so arrested may be tried by the court and convicted as in case of persons brought before him the court on a warrant; and such~~ The officer or officers shall have authority to may summon a posse comitatus."

"§16-52-12.

"(a) The president of Jacksonville State University, with the approval of the board of trustees, ~~is hereby authorized to~~ may appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the university. Such persons shall be charged with all the duties and invested with all the powers of police officers. The officer may eject trespassers from the university buildings and grounds. The officer and may, without a warrant, arrest any person guilty of disorderly conduct, or of trespass upon the property of the university, or for any public offense committed in their presence, and carry them before the nearest district court, or municipal court. ~~before which, upon~~ Upon proper affidavit charging the offense, ~~any the person so arrested may be tried by the court and convicted as in cases of persons brought before him the court on his a warrant; and such~~ The officer shall have authority to may summon a posse comitatus. ~~and~~ The officer may, with a warrant, arrest any persons found upon or near the premises of the university charged with any public offense and take them the person before the proper officer.

"(b) The police officers ~~provided for in this section~~ shall cooperate with and, when requested, furnish assistance to the regularly constituted authorities of the city of Jacksonville; ~~and their~~ The jurisdiction and authority of the officers shall be coextensive with the corporate limits of the municipality."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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AMENDMENT OFFERED

Representative Freeman offered the following amendment to the bill, H. 266, as amended:

Amend H. 266 on Page 2, Line 17, after the word "persons" by deleting the following: ~~guilty of~~ and substituting in lieu thereof: who commit

Further amend H. 266, Page 2, Line 18, after the word "or" by the deleting the following: ~~of~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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And the bill:

H. 266. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Butler, the Budget Isolation Resolution and the bill, H. 22, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Drake offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 111.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Drake, the bill, H. 111, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Holley offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 69.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Holley, the bill, H. 69, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Rogers (J), the bill, H. 247, and the pending Budget Isolation Resolution offered by Representative Hill on the eighth legislative day were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Corbett:

S. 196. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 196. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections 34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, exams, and membership of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 200. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two full consecutive terms of office after the effective date of the act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 199. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dixon and Corbett:

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 198. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Dixon and Corbett:

S. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division, Department of Finance.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 118. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Corbett:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 197. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hill:

S. 285. Relating to Talladega College, granting certain persons employed by the college certain police powers, amending Section 16-22-1, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 285. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 379. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 379. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Foshee:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama

1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 83. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 101. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Section 17-4-189 of the Code of Alabama 1975, to provide for certain additional personnel in the office; to allow counties to compensate deputy registrars under certain circumstances; to provide for dissemination of information on voter registration under certain conditions; to provide for the Voter Registration Fund in the State Treasury; to authorize the Secretary of State to enter into inter-agency agreements to implement the National Voter Registration Act of 1993 and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 101. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, for investigation of and penalties for the offenses, and for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 8. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 7. To amend Sections 13A-6-20 and 13A-6-22, Code of Alabama 1975, to make the crime of assault on a peace officer or a teacher or employee of a public educational institution a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 7. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Dixon:

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; to define the word "possession"; to provide for exceptions; and to prescribe penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 202. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority, the Russell County Water Authority, and the Chambers County E911 Authority from the levy of the tax.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 262. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Floyd:

S. 16. To amend Section 26-14-7, Code of Alabama 1975, relating to investigations by the various county Human Resources Departments regarding reports of child abuse or neglect, requiring the department to provide written notice specifying the final status and final disposition of the case to the parent, legal guardian, or other person who has custody or charge of the child or who is the subject of the investigation.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 16. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 9. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders:

S. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 40. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Floyd:

S. 77. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 77. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 263. To provide that advertised notices of foreclosure of real property shall include the street address or a description of the general location of the foreclosed property; to provide for the effect of failure to include the address or location or the correct address or location; and to provide for the effective date of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 263. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Dial:

S. 283. To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as

a member of the commission; to provide certain duties for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 283. Tourism, Entertainment and Sports.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Owens:

S. 56. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 56. Insurance.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 228, was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Payne.

- 1

S. 67 SUBSTITUTED FOR H. 228

On motion of Representative Harper, the bill, S. 67, was substituted for the bill, H. 228.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, S. 67, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Page,

Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Payne.

- 1

And the bill:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

was read a third time at length and passed.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Payne.

- 1

RESOLUTIONS

The following resolution was introduced:

By Representative Anderson:

H.J.R. 129. COMMENDING BILLY G. COCKES ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the distinguished career of Billy G. Cockes with the State of Alabama Board of Pardons and Paroles for more than 30 years; and

WHEREAS, Mr. Cockes joined the Board of Pardons and Paroles on October 1, 1960, following a brief period of service with the Department of Pensions and Security, and thereby began an outstanding career of service that was to span more than three decades until his retirement January 31, 1994; and

WHEREAS, over his tenure, Mr. Cockes served the department long and well and executed his duties and responsibilities with utmost diligence and total commitment to the good and well-being of all citizens of Morgan County; and

WHEREAS, in tribute, he was recognized with numerous honors and awards including Law Enforcement Officer of the Year (1983), Probation Officer of the Year (1984), and Probation and Parole Officer III Outstanding Law Enforcement Officer in Morgan County (1990-91), to name but a few; and

WHEREAS, a native of Town Creek, Alabama, and a highly decorated veteran of the United States Navy, Mr. Cockes graduated from Auburn University with a degree in business administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding service to the Board of Pardons and Paroles, the Morgan County community and state, we hereby most highly commend Billy G. Cockes, for whom a copy of this resolution shall be provided with sincere regards and best wishes for every future happiness and success.

The resolution, H.J.R. 129, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 130. COMMENDING THE LEROY HIGH SCHOOL BEARS ON THEIR MANY ACCOMPLISHMENTS OF THE 1993 FOOTBALL SEASON.

Also:

By Representatives Rich and McDaniel:

H.R. 131. RECOGNIZING JAMES HOLLAND AND THE SACRED-AIRES QUARTET ON THEIR 37TH ANNIVERSARY.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:00 P.M. on February 8, 1994.

H. 57

H.J.R. 101

H.J.R. 106

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Anderson and pursuant to the resolution, H.R. 125, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 10, 1994.

Yeas 45; Nays 39.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Campbell, Carns, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Drake, Flowers, Gaines, Hawkins, Hill, Hilliard, Holmes, Hooper, Johnson, Knight (J), Laird, Layson, Mathis, McClain, Millican, Newton (D), Page, Parker (P), Perdue, Poole, Powell, Sanderson, Smith (C), Spratt, Turner, Walker, White and Williams.

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Nay:

Mr. Speaker, Burke, Carothers, Dolbare, Freeman, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Holladay, Holley, Knight (A), Kvalheim, Letson, McDaniel, McDowell, McKee, McMillan, Melton, Morrow, Morton, Newton (C), Parker (T), Payne, Rich, Richardson, Rockhold, Sanderford, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

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ELEVENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 10, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Belia Harrison, Retired Baptist Minister, Thomasville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dustin Menefee, 11th Grade, East Limestone School, Athens, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Ford, the reading at length of the Journal of the House for the tenth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the tenth legislative day was approved.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 131. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

TOMMY CARTER
Chairman

And the bill, H. 131, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; define the word "farmer"; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

TOMMY CARTER
Chairman

And the bill, H. 272, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 266. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

TOMMY CARTER
Chairman

And the bill, H. 266, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

Also:

H.J.R. 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

Also:

H.J.R. 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

Also:

H.J.R. 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

Also:

H.J.R. 112. DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

McDOWELL LEE
Secretary

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 118. COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

On motion of Representative Ford, the resolution, H.J.R. 118, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 119. RECOGNIZING CAROLYN LEE GOODLOE FOR DISTINGUISHED SERVICE TO BALDWIN COUNTY UNITED.

On motion of Representative Ford, the resolution, H.J.R. 119, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 120. MOURNING THE DEATH OF MRS. HELEN LINING CORNELL OF MOBILE, ALABAMA.

On motion of Representative Ford, the resolution, H.J.R. 120, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 121. MOURNING THE DEATH OF JAMES V. MCCONNELL OF MOBILE, ALABAMA.

On motion of Representative Ford, the resolution, H.J.R. 121, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 122. MOURNING THE DEATH OF MARIE TIPTON CLOTFELTER OF MOBILE, ALABAMA.

On motion of Representative Ford, the resolution, H.J.R. 122, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 123. MOURNING THE DEATH OF IRIS CREEL CAMPBELL EVERETT OF MOBILE, ALABAMA.

On motion of Representative Ford, the resolution, H.J.R. 123, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 124. URGING ALL LAW ENFORCEMENT TO ASSIST IN LOCATING ALZHEIMER DISEASE VICTIMS WHO ARE MISSING FROM THEIR HOMES AND FAMILIES.

On motion of Representative Ford, the resolution, H.J.R. 124, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 126. COMMENDING JOY M. HANSEL, TILLMAN'S CORNER CITIZEN OF THE YEAR FOR 1993.

On motion of Representative Ford, the resolution, H.J.R. 126, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 127. DESIGNATING NATIONAL TOURISM WEEK 1994, IN THE STATE OF ALABAMA.

On motion of Representative Ford, the resolution, H.J.R. 127, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 129. COMMENDING BILLY G. COCKES ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

On motion of Representative Ford, the resolution, H.J.R. 129, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 75. (With Amendments): To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in public schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of elementary and secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to require certified teachers to pass the National Teachers' Examination; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to create the Legislative Oversight Committee on Education Reform; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to provide for a procedure for the suspension of educational employees; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; to provide for a system of reporting by institutions of higher learning to be known as the College Readiness Report; to provide further for access and privacy rights for school personnel records; to provide that this act shall be implemented and administered in strict compliance with Amendment No. 284 to the Constitution of Alabama of 1901 and shall be subject to the Alabama Administrative Procedure Act; to provide for local boards of education responsibilities concerning the number of teacher units; to specify what constitutes a financial interest for a municipal governing body official; to provide that any and

all mandates in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriation of a local school board or boards for the purposes of implementing the mandates; to adopt certain commentary; to provide for parental involvement; to provide for annual report cards on schools; to require a plan to reduce teacher paperwork by 25 percent; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 336. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

The above bill was read a second time at length as required by the Constitution.

H. 279. Relating to the filing of a judgement or lien against property owners; to require that a person, corporation, partnership, or other legal entity which wrongly files a judgement or lien shall correct the wrongful filing within 30 days after notification without cost to the aggrieved party; and to provide for civil liability for a failure to correct the wrongful filing.

H. 451. To provide for the crimes of assault in the first, second, and third degree on judicial officials; to provide for the crime of threatening a judicial official; to provide for the crime of harassment and harassing communication of a judicial official; to prohibit certain disruptive conduct related to judicial proceedings; to further provide and specify the power of the Supreme Court to adopt rules relating to court and judicial security; and to provide penalties for violations.

H. 452. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 319. (With Amendment): To grant to all peace officers, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 407. (With Substitute) (With Amendment): To provide for the use of a videotaped deposition of a victim over age 70 in the criminal trial of a defendant.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 573. (With Amendment): To amend Sections 13A-11-63 and 13A-11-64, Code of Alabama 1975, providing for certain criminal offenses for the possession, sale, or use of a short-barreled rifle or short-barreled shotgun or for the alteration of certain identification markers on a firearm or the possession, sale, or use of a firearm with certain identification markers altered, so as to provide for the disposition of any firearm which violates these sections.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 126. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 521. (With Amendment): To provide that the attorney representing the IV-D agency in a support enforcement action brought by the Department of Human Resources represents the State of Alabama only, that no attorney-client relationship exists between the agency client and the IV-D attorney, and that in a IV-D action, the IV-D attorney is only authorized to represent and address support issues.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 292. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 570. To designate the Alabama Independent School Association as the official in-state accrediting agency for non-public and private schools in Alabama.

H. 571. To amend Sections 2-15-132 and 2-15-133, Code of Alabama 1975, by providing that the Board of Agriculture and Industries shall set the amount of license fees up to a maximum of \$500 for livestock dealers and that bonds for livestock dealers shall be a minimum of \$10,000, with the amount of the bond to be set by the board and the amount of the bond to be based on gross sales of the livestock dealer.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 575. (With Amendment): To amend Sections 36-30-20 and 36-30-21 of the Code of Alabama 1975, relating to compensation for disability or death of municipal police officers; to extend the coverage of benefits for death or disability from occupational diseases of police officers and to all municipalities; to define the term police officer; and to provide for totally and partial dependents.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 605. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

S. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division, Department of Finance.

S. 196. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1995.

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two full consecutive terms of office after the effective date of the act.

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections 34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, exams, and membership of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

S. 285. Relating to Talladega College, granting certain persons employed by the college certain police powers, amending Section 16-22-1, Code of Alabama 1975.

S. 313. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 494. To provide for the offense of making false statements to obtain workers' compensation benefits.

H. 594. To amend Sections 25-4-77 and 25-4-75, of the Code of Alabama 1975, as amended by Section 1 of Act No. 93-253, S. 459, 1993 Regular Session, relating to unemployment compensation, to provide further for restrictions on extended benefits, eligibility requirements for benefits, in order to conform with federal law.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of live-stock for specified purposes.

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

H. 540. To amend Section 9-11-32, Code of Alabama 1975, relating to the dates that hunting and fishing licenses are valid, so as to further provide for the dates or time period that certain hunting and fishing licenses are valid.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 367. To amend Sections 17-16-25 and 17-16-50, Code of Alabama 1975, to make certain voter lists available to chairpersons of county executive committees of political parties.

S. 5. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

H. 563. To provide that a person requesting medical records shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 399. To provide that elected officials would be subject to recall, provide procedures for the recall, and penalties for abuse of the procedure.

The above bill was read a second time at length as required by the Constitution.

H. 524. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may referend statutes or local resolutions and ordinances by local governing bodies.

The above bill was read a second time at length as required by the Constitution.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 584. To authorize the various municipal governing bodies individually or jointly with other municipalities to levy additional costs and fees on certain municipal cases and to provide for the distribution of the funds to construct, equip, and maintain a jail or jails or a court complex.

S. 27. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

H. 402. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

H. 127. To amend Sections 11-67-20, 11-67-21, 11-67-22, 11-67-25, and 11-67-26, Code of Alabama 1975, relating to a procedure for the abatement of weeds constituting a nuisance in Class 5 municipalities, to include Class 6 municipalities in that procedure.

H. 460. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

Representative McDaniel, Chairperson of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 583. To provide for registration, licensing, and bonding of telemarketers; to establish exemptions; and to provide for civil and criminal penalties for violation of its provisions.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 595. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for deputy sheriffs in Mobile County and to provide that such deputy sheriffs receive the same across-the-board pay raises and merit increases afforded to all other Mobile County employees.

H. 596. Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation; to provide for the governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the municipality parking facilities; to empower the authority to lease parking facilities to or from others; to grant the

authority other powers, including the power of eminent domain; to authorize the municipality to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that the bonds may be secured by pledge of any revenues of the authority and the mortgage of any property of the authority; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county or municipality of this state to invest in bonds of the authority; to provide that the bonds shall be legal investments for fiduciaries, savings banks, and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the issuance; and to provide for the dissolution of any such authority and the disposition of its property.

H. 603. Relating to Mobile County; amending Section 1 of Act 91-500, H. 1002, 1991 Regular Session, providing for additional compensation to members of the boards of directors of certain public utility authorities to provide for an increase in compensation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

Also:

S.J.R. 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

Also:

S.J.R. 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

Also:

S.J.R. 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives McClain, Rogers (J), Perdue, Newton (D), Spratt, Hilliard and Barnes:

H.R. 132. MOURNING THE DEATH OF MALACHI HOUSTON.

Also:

The following resolutions were introduced:

By Representative Cosby:

H.J.R. 133. COMMENDING JOHN T. MORGAN ACADEMY ON THE 1993 ALABAMA INDEPENDENT SCHOOL ASSOCIATION'S FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama herein most heartily congratulates John T. Morgan Academy, Selma, Alabama, on their 1993 State Football Championship of the Alabama Independent School Association (AISA); and

WHEREAS, John T. Morgan, in capturing the 1993 AISA State Title, by virtue of its 11-0 shot-out of Lowndes Academy in the Championship game, has won three consecutive State Football Crowns, and five out of the last six years; and

WHEREAS, this powerhouse of the AISA, with an overall 13-0 1993 season, holds a state record of 39 consecutive games, and the 13 seniors on the Morgan Academy football squad have never experienced a loss; and

WHEREAS, under the outstanding direction of Head Coach Mike Reans, and Assistant Coaches Tommy Garrett, Allen Robinson and Dennis Windle, the 1993 Morgan Academy State Champions are seniors, Steve Porter, Michael Dickinson, Wade Taylor, Wren Burns, Jason Tabor, Spivey Hardy, Ken Carmichael, Michael Moseley, Terry Gibson, Rich Schober, Brad Walton, Jamie Bender, and Jason Godwin; juniors, Billy Blanton, Tripp Bowie, Kenley Harrison, David Powell, Crawford Henry, Andy Turner, Jonathan McClendon, Bradley Barnes, Kory Taylor, Michael Sanford, Allen Bearden, Gregsby Gibbs, Robby Kee, and Rusty Henry; sophomores, Steven Tidwell, Paul Vardaman, Chad Anderson, Hardy Traylor, Hoffman Rhyne, Rodney Moore, Brandon Tubbs, Scott Weaver, Vaughan Russell, Joe Labbe, Brandon Holley, Larkin Deason, Trammell Henry, and Blake Jones; and freshmen, Robbie Howard and Logan Casey; along with managers John Brunson, Austin Godwin, Bryan Monk, Josh Smith, and Parker Windle; and

WHEREAS, supporting the team with enthusiasm, and directing the cheers of the Morgan Academy students and fans, were the 1993-1994 Varsity cheerleaders Mandy Cleveland (Head), Jennifer Edwards (Co-head), Kelli Burden, Jessica King, Julie Moore, Susan Speir, Amanda Burns (Secretary), Beth Bedgood, Ellen Henderson, Cindy Long, Callen Miller, and Kim Blackmon, sponsored by Ms. Jane Singley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most enthusiastically congratulate and commend John T. Morgan Academy of Selma, Alabama, on their outstanding football program, and the AISA 1993 State Football Championship, and do further direct that copies of this resolution be provided to Dr. Christopher deBuzna, Headmaster, for presentation to the team members, coaches and staff, and the Varsity Cheerleaders and their sponsor, and for appropriate display at John T. Morgan Academy.

The resolution, H.J.R. 133, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gaston and Kvalheim:

H.J.R. 134. COMMENDING E. ROBERTS LEATHERBURY OF MOBILE, ALABAMA, ON HIS SELECTION AS MAN OF THE YEAR FOR 1993 BY THE NATIONAL MARITIME SAFETY ASSOCIATION, INC.

WHEREAS, it is with great personal pleasure and pride that the Legislature of Alabama notes the selection of E. Roberts Leatherbury of Mobile, Alabama, as the National Maritime Safety Association's Man of the Year for 1993; and

WHEREAS, Mr. Leatherbury, one of the Mobile area's most prominent businessmen and civic leaders, is Vice President Corporate Development of Vectura Cargo Services, Inc., and is a man of considerable stature within the maritime industry, which he has long and well-served since the onset of his career in 1957; and

WHEREAS, he has served on numerous negotiation and contract committees for Ryan-Walsh ports; has chaired the Labor Policy Committee of the Mobile Steamship Association, and also served on the association's board of directors and as chairman for a number of years; and is chairman of the Alabama State Pilotage Commission, a regulatory agency of pilots serving the Port of Mobile; and

WHEREAS, from 1980 to 1982, Mr. Leatherbury served as president of the National Maritime Safety Association, and is currently a member of its board of directors, among many other leadership contributions to the maritime industry; and

WHEREAS, E. Roberts Leatherbury has further provided outstanding leadership and support to the community as a director for AmSouth Bank, and as a former director of the Mobile Area Chamber of Commerce; and

WHEREAS, Mr. Leatherbury, an alumnus of Auburn University, also completed the Executive Development Management Course at the University of Tennessee's Graduate School of Business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and as the recipient of Man of the Year honors for 1993 by the National Maritime Safety Association, Inc., we hereby commend E. Roberts Leatherbury of Mobile, Alabama, for whom a copy of this resolution of tribute shall be provided.

The resolution, H.J.R. 134, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 135. DESIGNATING THE CRUM FOSHEE HIGHWAY, BUTLER AND COVINGTON COUNTIES, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Highway 55, commencing in Georgiana, Butler County, Alabama, and continuing to Andalusia, Covington County, Alabama, is hereby named and designated "The Crum Foshee Highway" in honor of our esteemed colleague and friend, Senator E. Crum Foshee.

The resolution, H.J.R. 135, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Venable, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 136. CONGRATULATING BETH THACKER ON HER BIRTHDAY, FEBRUARY 13, 1994.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Freeman, Fuller, Turnham, White, Penry, Rogers (J), McClain, Gaines, Bowling, Rockhold, Holmes, Rich, Haney, Hooper, Sanderson, Blakeney, Carothers, Johnson, Mathis, Campbell, Harper, Anderson, McMillan, Parker (P), Box, Millican, Black (L), Spratt, Clark (J), Newton (C), Hall (A), Carter, Gullatt, Haynes, Harvey, Ford, Flowers, Petelos, McDowell, Holley, Layson, Hill, Hilliard, Biddle, and Warren:

H. 611. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

COMMITTEE ON HEALTH

By Representative Cullins (With Notice and Proof):

H. 612. Relating to Tallapoosa County; to provide for the creation, maintenance, and regulation of fire and emergency medical services districts, to prescribe conditions and regulations relative to the creation of districts, to prescribe the organization, rights, and powers of the districts; to prescribe limitations on their rights and powers; to provide for the composition and tax exemption of the districts; to provide for a referendum; and to provide for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 612, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson:

H. 613. To amend Section 27-14-11.1, Code of Alabama 1975, relating to certain health insurer contracts and prohibiting any provision which denies or reduces benefits based on medicaid eligibility, so as to further define private insurers and to prohibit private insurers from denying enrollment to an individual based on medicaid eligibility.

COMMITTEE ON HEALTH

By Representative Freeman (With Notice and Proof):

H. 614. To further provide for investigators for the District Attorney for the Twenty-third Judicial Circuit; to amend Act No. 79-810, H. 907, 1979 Special Session (Acts 1979, p. 1498), relating to investigators.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman (With Notice and Proof):

H. 615. Relating to the Twenty-Third Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Twenty-Third Judicial Circuit.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 615, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman (With Notice and Proof):

H. 616. Relating to the Twenty-third Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 616, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Kennedy, Zoghby, Gullatt, Rockhold, McDowell, and Hall (L):

H. 617. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975; to provide for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone, provided that advance written notice is given all members of the board; and to provide for the annual appropriation made to the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Biddle:

H. 618. To establish a board of trustees who shall be charged with forming the Alabama Family Trust Corporation, the Alabama Family Trust, and the Alabama Family Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

COMMITTEE ON HEALTH

By Representatives Higginbotham and Turnham (With Notice and Proof):

H. 619. Relating to Lee County; to provide for the police jurisdiction of any municipality located partially in Lee County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 619, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Higginbotham and Turnham (With Notice and Proof):

H. 620. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Haynes:

H. 621. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the McCaig Wellborn Library for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives Kvalheim, Gaston, and Rockhold:

H. 622. To amend Sections 12-15-1, 12-15-32, and 12-15-33, Code of Alabama 1975, relating to juvenile proceedings; to redefine a child as a person under the age of 16 years; to provide that the criminal court shall have exclusive original jurisdiction of proceedings involving persons over the age of 16; and to provide that the criminal court may transfer a case involving a person under the age of 19 to the juvenile court.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, Gaston, Rockhold, Buskey, Clark (W), Turner, Penry, McMillan, and Box:

H. 623. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels encompassing public roads; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Barnes and Rogers (J):

H. 624. Relating to the City of Birmingham in Jefferson County, providing for the establishment of a municipal civil service personnel merit system..

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Penry, Gaston, Kvalheim, Clark (J), Johnson, Beasley, Newton (C), Rockhold, Cullins, Kennedy, and Harper:

H. 625. To provide licenses or provisional permits for persons who engage in providing interpreting or transliterating services among persons who are hearing impaired, deaf, or hard of hearing; to provide for the establishment of an Alabama Licensure Board for Interpreters and Transliterators; to provide for exemptions from licenses or provisional permits; provide and monitor standards of professional practice; and to provide penalties for practicing without a license or provisional permit.

COMMITTEE ON JUDICIARY

By Representative Lindsey:

H. 626. To authorize any district organized pursuant to Chapter 89 of Title 11 of the Code of Alabama 1975, to carry out one or more, but not all, of its authorized services through one or more corporations organized pursuant to this act; to provide for the incorporation of the corporations and the powers thereof and the election of the directors for the corporations and the management of their affairs; to provide for the incorporation by reference and applicability of the definitions contained in Section 11-89-1 of the Code of Alabama 1975, and the powers and other provisions contained in Sections 11-89-7 to 11-89-19, inclusive, of Chapter 89 of the Code of Alabama 1975 for the corporations; to provide for the duration and dissolution of the corporations; to provide for severability and to provide an effective date.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Harper:

H. 627. To transfer rehabilitation services of handicapped persons from the State Board of Education and State Department of Education to a Board of Rehabilitation Services and Department of Rehabilitation Services; to provide for the personnel, funding, duties, powers, functions, membership, meetings, compensation, and meetings of the board and the department; to expressly preserve certain services and programs; and to provide an effective date of October 1, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 628. To transfer rehabilitation services of handicapped persons from the State Board of Education and State Department of Education to a Department of Rehabilitation Services under the supervision and direction of the State Board of Education; to provide for the personnel, funding, duties, powers, and functions of the department; to specify certain powers of the State Board of Education; to expressly preserve certain services and programs; and to provide an effective date of October 1, 1994.

COMMITTEE ON WAYS AND MEANS

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hale:

S.J.R. 41. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Thursday, February 10, 1994, they adjourn to meet again on Wednesday, February 16, 1994.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Buskey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 41, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 31, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.R. 137. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 10, 1994, we adjourn to meet again on Wednesday, February 16, 1994, at 11:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 137, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bailey, Horn, Dial, Floyd, Smith (J), and Campbell:

S.J.R. 35. EXPRESSING THE WILL OF THE LEGISLATURE REGARDING THE MARKUP ON ALCOHOLIC BEVERAGES.

WHEREAS, there is a significant shortfall in revenues for the next fiscal year; and

WHEREAS, all existing opportunities to gain additional funds for the State General Fund should be utilized; and

WHEREAS, the Alcoholic Beverage Control Board is empowered to fix the wholesale and retail prices at which liquor will be sold at Alabama liquor stores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the will of the Legislature of Alabama that the Alcoholic Beverage Control Board take appropriate action to increase the markup on alcoholic beverages sold by the state from 30 percent to 40 percent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor and the Alcoholic Beverage Control Board so that they may understand the will of the Legislature regarding this matter.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 35, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

Also:

By Senator Sanders:

S.J.R. 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

Also:

By Senator Sanders:

S.J.R. 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

Also:

By Senator Corbett:

S.J.R. 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 37, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 38, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 39, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 40, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 42. COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 42, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell (With Notice and Proof):

S. 114. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 114, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 114. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 421. Relating to Perry County; providing further for the distribution of the proceeds of the ad valorem taxes levied pursuant to Act No. 88-816, H. 309, 1988 Special Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 421, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 421. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell (With Notice and Proof):

S. 428. Relating to Morgan County; to amend Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to the process of service and its methods by the county and collection of fees as provided by law by the sheriff or the deputy sheriff, by providing that the sheriff or the deputy sheriff shall personally serve subpoenas.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 428. Local Legislation No 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial (With Notice and Proof):

S. 362. Relating to Clay County; to further provide for the use of the Public Highway and Traffic Fund for the payment of the salaries and automobile expense of deputy sheriffs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 362, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 362.

Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures (With Notice and Proof):

S. 397. To amend Section XV of Act No. 470, H. 952, Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, p. 298), as amended, which established the county-wide civil service system in Mobile County, to provide the procedures for filling vacancies by appointment in the classified service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 397, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 397. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 187. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Also:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

Also:

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Also:

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

Also:

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 138. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the eleventh legislative day, Thursday, February 10, 1994, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to 10 minutes. Any bill that is carried over will automatically revert back to the regular order calendar.

Inst Id	Page
<u>H. 93</u> - By Gullatt	8

Counties and municipal corps., engaging in business without a license, fees and penalties incr., Secs. 11-51-90, 11-51-93 am'd.

<u>H. 486</u> - By Kvalheim	71
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Alabama High School Legislative Leadership Academy
estab. at University of South Alabama

H. 443 - By Zoghby 62

Fiduciary capacities for foreign corporations, expanded, Sec. 10-2A-221 am'd.

H. 344 - By Newton (C) 60

Medicare supplement policies, time to return policy by applicant, 30 days, Sec. 27-19-57 am'd.

H. 514 - By Gaston 77

Tax credit for donation of qualified high technology equipment to public schools

H. 291 - By McKee 27

Football playoffs conducted by primary and secondary public schools, tax exemption, continued collection and retention of funds by collecting school, Sec. 40-23-2 am'd.

H. 516 - By Haynes (As Substituted) 79

Child support, parent, guardian or Human Resources Dept., may bring civil action for child support that is past due

H. 84 - By Hawkins 23

Physical Therapy Bd., supp. approp.

H. 31 - By Laird 66

Municipalities req. to reimburse fire dists. or volunteer fire depts. for lost revenue when their territory is annexed into the mun.

H. 424 - By McDowell (As Substituted) 50

Handgun violations, ordinance re st. law, violations, jurisdiction of mun. ct., Sec. 11-45-1.1 am'd.

H. 268 - By Smith (C) 37

Livestock, definition alt., Secs. 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, 2-15-150 am'd.

**REGULAR SESSION
11th Day**

733

H. 320 - By Turnham

44

Insurance Dept., supp. approp. to implement Act 93-713 re explosives

H. 523 - By Clay

70

Insurance premium finance companies reg., max. service charge, time limits, Secs. 27-40-1, 27-40-8, 27-40-12, 27-40-15, 27-40-17 am'd.

H. 237 - By Biddle

36

Deer hunting dogs, unauthorized release onto land of another, prohib.

H. 403 - By Johnson

71

Local bds. of ed., may expend funds to honor excellence in ed., const. amend.

H. 8 - By Campbell

41

Conveyances, requirement that names of parties or actual consideration be included, eliminated, Sec. 35-4-411 am'd.

H. 372 - By White

67

Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.

H. 487 - By Box (As Amended)

52

Paternity, Uniform Parentage Act, procedures, voluntary acknowledgment, genetic testing, presumptions, Secs. 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, 26-17-15 am'd.

H. 54 - By Hooper

6

Legislature, req. to provide funding for cert. laws, const. amend.

H. 314 - By McDaniel

37

Agricultural and Conservation Development Commission, appt. of designees and replacement of designees provided for, Sec. 9-8A-3 am'd.

H. 544 - By McDaniel (As Amended)

78

Contracts, recision of between principal agents to provide for method and time of payments of fees, Secs. 8-24-1 to 8-24-5 am'd.

H. 267 - By Morrow

32

State employees, payment directly to contract facilities to be made when fighting forest fire or other emergencies, Sec. 36-7-20 am'd.

H. 343 - By Carothers (As Amended)

34

Tax officials, min. comp. provided, Sec. 40-6A-2 am'd.

H. 28 - By Curry

22

Magic Moments, Inc., exempted from all st., co., and mun. sales and use taxes

On motion of Representative Buskey, the resolution, H.R. 138, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gullatt, the Budget Isolation Resolution relating to the bill, H. 93, was adopted.

Yeas 45; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Bryant, Buskey, Carothers, Clark (W), Crow, Curry, Drake, Freeman, Gaines, Gaston, Hall (A), Hall (L), Hammett, Hilliard, Holley, Holmes, Johnson, Knight (J), Kvalheim, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Penry, Poole, Rich, Rockhold, Sanderford, Smith (R), Spratt, Thomas, Venable, Willis and Zoghby.

Nay:

Representative Knight (A).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 93. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Crow, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Hawkins, Hilliard, Holmes, Johnson, Knight (J), Kvalheim, Lindsey, Mathis, McDaniel, Melton, Mikell, Morrow, Morton, Newton (C), Perdue, Poole, Rich, Richardson, Rockhold, Sanderford, Smith (R), Spratt, Thomas, Venable, Willis and Zoghby.

-49

Nay:

Representatives Holley, Knight (A) and Sanderson.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, H. 486, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Hawkins, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Morrow, Newton (C), Payne, Penry, Poole, Rich, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Thomas, Venable, Williams, Willis and Zoghby.

-55

And the bill:

H. 486. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hawkins, Hill, Hilliard, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Williams, Willis and Zoghby.

-61

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 486:

11th Day

Representatives Anderson, Black (L), Box, Bryant, Buskey, Carns, Clark (J), Clark (W), Crow, Curry, Drake, Gaines, Gaston, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Johnson, Knight (A), Knight (J), Laird, Layson, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Sanderson, Spratt, Thomas, Venable, Walker, Willis and Zoghby.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 443, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

-72

And the bill:

H. 443. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 344, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Bowling, Bryant, Cagle, Campbell, Carns, Carothers, Collins, Crow, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-72

And the bill:

H. 344. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaston, the Budget Isolation Resolution relating to the bill, H. 514, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Bryant, Cagle, Campbell, Carns, Carothers, Clay, Collins, Crow, Dolbare, Drake, Freeman, Gaines, Gaston, Hall (A), Hall (L), Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-64

Nay:

Representative Curry.

- 1

And the bill:

H. 514. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-70

Nay:

Representatives Curry and Page.

- 2

CO-SPONSOR ADDED

Representative Kvalheim was added as co-sponsor to the bill, H. 514.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 291, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Cagle, Campbell, Carns, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Petelos, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Williams and Willis.

-60

And the bill:

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Buskey, Cagle, Campbell, Cams, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Williams and Willis.

-71

Nay:

Representative Curry.

- 1

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Johnson, the Budget Isolation Resolution and the bill, H. 516, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 84, was adopted.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Letson, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turnham, Venable, Warren and Willis.

-65

Nay:

Representative Sanderson.

- 1

And the bill:

H. 84. To make a supplemental appropriation from the Physical Therapy Fund in the State Treasury to the Board of Physical Therapy for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, Williams and Willis.

-73

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 31.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Laird, the bill, H. 31, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 424, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Warren, White, Willis and Zoghby.

-72

And the bill:

H. 424. (With Substitute): To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-45-1.1 of the Code of Alabama 1975, is amended to read as follows:

"§11-45-1.1.

"No incorporated municipality shall have the power to enact any ordinance, rule, or regulation, which shall tax, restrict, prevent, or in any way affect the possession or ownership of handguns by the citizens of this state. The entire subject matter of handguns is reserved to the state legislature. This section shall not be construed to limit or restrict the power of a municipality to adopt ordinances which make the violation of a state handgun law a violation of a municipal ordinance to the same extent as other state law violations, or to limit or restrict the power of a municipal court to exercise concurrent jurisdiction with the district court over violations of state handgun laws which may be prosecuted as breaches of a municipal ordinance."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-70

And the bill, H. 424, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-71

Nay:

Representative Rogers (F).

- 1

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Smith (C), the Budget Isolation Resolution and the bill, H. 268, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 320, was adopted.

Yeas 66; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Thomas, Turner, Turnham, White, Willis and Zoghby.

-66

And the bill:

H. 320. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 516, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Drake, Gaines, Gaston, Gullatt, Hall (L), Hamilton, Hammett, Hawkins, Hogan, Holladay, Holmes, Kvalheim, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Willis and Zoghby.

-58

And the bill:

H. 516. (With Substitute): To authorize any custodial parent, guardian, and the Department of Human Resources, or any one of them, to bring a civil action to establish an order of past due support for a minor child or children for any period in which a parent had an obligation to provide support and failed to do so.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To authorize a parent, guardian and/or the Department of Human Resources to bring a civil action to establish an order of retroactive support for a minor child or children for any period in which the other parent had an obligation to provide said support and failed to do so.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created a civil action to establish an order of retroactive support which may be brought against a non-supporting parent who has a duty to support as the legal parent of a child or children but has failed to provide support. The action may be brought by the parent or guardian with physical or legal custody who is providing the actual care and support for the child or may be brought by the Department of Human Resources pursuant to the provisions of Section 38-10-1 et seq. An action under this section can be brought only if support has not previously been ordered pursuant to a divorce or other action in this or any other jurisdiction.

Section 2. The action shall be commenced prior to the time the child or children reaches the age of majority.

Section 3. An action for retroactive support shall be filed in the juvenile or family court division of the district or circuit court in the county in which the parent or guardian resides or in the county in which the child resides. There shall be no right to a jury trial.

Section 4. An order of retroactive support may be awarded against the non-supporting parent irrespective of the marital status of the parties.

Section 5. The order of retroactive support shall be a sum certain judgment and may cover all periods in which the non-supporting parent failed to provide support. For all time periods in which support is requested, the court shall consider the needs of the child or children and the ability of the parents to respond to these needs, and shall determine the amount of support due for each period by application of the child support guidelines found in Rule 32 of the Alabama Rules of Judicial Administration based upon the circumstances during the time period for which support is sought. If the judgment for retroactive support includes support due for a period of time in which aid was paid by the Department of Human Resources and an assignment of support rights thereby exists under Section 38-10-4 and Section 38-10-5 of the Code of Alabama, the Department shall be entitled to recover any support due the Department under Section 38-10-6.

Section 6. The action for retroactive support authorized by this act is in addition to any rights to retroactive support granted by any other provision of law including but not limited to Section 26-17-8 of the Code of Alabama nor shall the provisions of the act limit or affect the state's right to recover assistance paid as provided in Section 38-10-6.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Drake, Gaines, Gaston, Gullatt, Hall (L), Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Willis and Zoghby.

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And the bill:

H. 516. To authorize a parent, guardian and/or the Department of Human Resources to bring a civil action to establish an order of retroactive support for a minor child or children for any period in which the other parent had an obligation to provide said support and failed to do so.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Drake, Gaines, Gaston, Gullatt, Hall (L), Hamilton, Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Millican, Morrow, Newton (C), Page, Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Warren, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Clay, the Budget Isolation Resolution and the bill, H. 523, were temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

On motion of Representative Biddle, the Budget Isolation Resolution and the bill, H. 237, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 403, was adopted.

Yeas 59; Nays 1.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Cagle, Campbell, Carns, Carothers, Collins, Crow, Cullins, Drake, Gaston, Gullatt, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representative Hall (L).

- 1

And the bill:

H. 403. Proposing an amendment to Amendment No. 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112 in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Drake, Gaston, Gullatt, Hamilton, Hammett, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Holmes and Rogers (J).

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Also:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

Also:

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Also:

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

Also:

H.J.R. 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

Also:

H.J.R. 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

Also:

H.J.R. 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

Also:

H.J.R. 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

Also:

H.J.R. 112. DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hill, House Rule 58 was suspended in order to permit the Standing Committee on Constitution and Elections to meet.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Biddle offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 237, which previously was temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Biddle, the bill, H. 237, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clay, the Budget Isolation Resolution relating to the bill, H. 523, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Freeman, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hill, Hilliard, Hogan, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Venable, Warren and Willis.

-54

And the bill:

H. 523. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract.

was taken up.

AMENDMENT OFFERED

Representative Clay offered the following amendment to the bill, H. 523:

Amend H. 523 on page 4, Section (a), line 24 by striking after the words no later than the following: 60 days and inserting in lieu thereof, the following: 30 days

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Buskey, Campbell, Carns, Carothers, Clay, Cullins, Curry, Freeman, Gaines, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hill, Hilliard, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Venable, Warren, White and Williams.

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And the bill, H. 523, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Bryant, Buskey, Carothers, Clark (W), Clay, Collins, Cullins, Curry, Dolbare, Freeman, Gaines, Hall (A), Hall (L), Hamilton, Hammett, Haynes, Hill, Hilliard, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Warren and Williams.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 8, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Hall (A), Hamilton, Haney, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Warren, White, Williams and Willis.

-67

And the bill:

H. 8. To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Venable, Warren, White and Williams.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 372, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Box, Cagle, Carns, Carothers, Collins, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Warren and White.

-60

And the bill:

H. 372. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Warren, White, Williams and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 516. To authorize a parent, guardian and/or the Department of Human Resources to bring a civil action to establish an order of retroactive support for a minor child or children for any period in which the other parent had an obligation to provide said support and failed to do so.

TOMMY CARTER
Chairman

And the bill, H. 516, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Biddle, the Budget Isolation Resolution relating to the bill, H. 237, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Bryant, Carns, Carothers, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Haney, Hawkins, Hill, Hilliard, Holladay, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Lindsey, McDaniel, McDowell, McKee, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Venable, Warren, Williams and Willis.

-54

And the bill:

H. 237. To prohibit the release of certain hunting dogs onto the land of another without written permission, from a public road or right of way; and to provide a penalty for violations.

was taken up.

AMENDMENT OFFERED

Representative Biddle offered the following amendment to the bill, H. 237:

To amend H. 237 on page 1 on line 13, 20 and 27 by adding before the word "onto" the word "directly".

H. 237 TEMPORARILY CARRIED OVER

On motion of Representative Biddle, the bill, H. 237, and the pending amendment offered by Representative Biddle were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 487, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Clay, Collins, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Venable, Warren, White, Williams and Willis.

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And the bill:

H. 487. (With Amendment): To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 487, and to the pending amendment reported by the Standing Committee on Judiciary:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, are amended to read as follows:

"§26-17-5.

"(a) A man is presumed to be the natural father of a child if any of the following apply:

"(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;_

"(2) Before the child's birth he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

"a. If the attempted marriage may be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after the termination of the attempted marriage by death, annulment, declaration of invalidity, or divorce; or

"b. If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation;_

"(3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with the law although the attempted marriage is or could be declared invalid, and

"a. He has acknowledged his paternity of the child in writing, such the writing being filed with the appropriate court or the bureau of vital statistics; or

"b. With his consent, he is named as the child's father on the child's birth certificate; or

"c. He is otherwise obligated to support the child either under a written voluntary promise or by court order; or

"(4) While the child is under the age of majority, he receives the child into his home or otherwise openly holds out the child as his natural child; or

"(5) He acknowledges his paternity of the child in a writing filed in accordance with provisions of the legitimation statute.

"(6) He and the child's mother have executed an affidavit of paternity in accordance with the provisions of this chapter.

"(b) A presumption of paternity under this section may be rebutted in an appropriate action only by clear and convincing evidence. In the event two or more conflicting presumptions arise, that which is founded upon the weightier considerations of public policy and logic, as evidenced by the facts, shall control. The presumption of paternity is rebutted by a court decree establishing paternity of the child by another man.

"§26-17-6.

"(a) A child, a child's natural mother, or a man presumed to be ~~its~~ the child's father under subdivision (1), (2), or (3) of Section 26-17-5(a), may bring an action within five years of the birth of ~~said~~ the child for the purpose of declaring the existence of the father and child relationship presumed under subdivision (1), (2), or (3) of Section 26-17-5(a); or

"(b) Any interested party may bring an action at any time for the purpose of determining the existence or non-existence of the father and child relationship presumed under subdivision (4) or (5) or (6) of Section 26-17-5(a).

"(c) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under Section 26-17-5 may be brought by the child, the mother, or personal representative of the child, the public authority chargeable by law with support of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

"(d) If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

"(e) If the child has been adopted, an action may not be brought.

"§26-17-10.

"(a) The causes of action provided by this chapter shall be brought in the juvenile or family court division of the district or circuit court and wherever used in this chapter the word "court" shall mean the juvenile or family court division of the district or circuit court and specifically shall include any district or circuit court judge otherwise sitting in one of these divisions.

"(b) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter.

"(c) A person who is a nonresident of this state and who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of sexual intercourse. Jurisdiction over a nonresident may be acquired only by personal service of summons outside this state or by certified mail with proof of actual receipt.

"(d) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to a uniform reciprocal enforcement of support action filed in this state by an initiating state for the purpose of establishing paternity. If the defendant asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both parties are present at the hearing or if proof required in the case indicates the presence of either or both is not necessary, the court shall adjudicate the issue of paternity. The appropriate provisions of this chapter shall apply to such actions. Upon determination of paternity or nonpaternity, the appropriate sections of the Reciprocal State Enforcement of Duty to Support Act (§ 30-4-80 et seq.) shall apply.

"(e) The court shall retain jurisdiction of the cause for the purpose of entering such other and further orders as changing circumstances of the parties may in justice and equity require.

"(f) The complaint for paternity or nonsupport shall be filed in the county in which the child resides or the county in which the defendant resides.

"(g) Process directed to the defendant shall issue forthwith requiring the defendant to file written pleadings to the complaint in the manner prescribed by appropriate court rules. Once service of process is executed, if any defendant fails to file his or her answer or otherwise appear in an action commenced under this section within the time period prescribed by law, the Alabama Rules of Civil Procedures, or as ordered by the court, the court shall enter an order of default against him or her upon proper request and proof of the allegations.

"(h) The court in which the action originated shall determine both the law and the facts without the intervention of a jury. A trial by jury may be had only as provided under Section 26-17-20.

"§26-17-12.

"(a) Upon application of the defendant in a paternity proceeding or any other party to the action, the court shall order the mother, child and defendant to submit to one or more blood genetic tests to assist the court in determining paternity of the child. ~~No such blood test shall be taken before the child reaches the age of six months.~~ Whenever the court orders any such blood genetic test to be taken performed and any of the persons whose blood genetic sample is to be taken and tested refuses to submit to the test, such that fact shall be disclosed upon the trial, unless good cause is shown for not doing so.

"(b) Any tests shall be made by an expert qualified as ~~an examiner of blood types in genetic testing~~ who shall be approved by the court. The expert may be called by the court or any party as a witness to testify to the blood genetic test results and shall be subject to cross-examination by the parties. The blood genetic test results may be admitted into evidence by the defendant, the plaintiff, or the state. ~~The blood test results may be admitted into evidence by the state only if the statistical probability of the alleged father's paternity is available.~~ Blood Genetic testing methods include, but are not limited to, the human leukocyte antigen test. If more than one blood genetic test is performed and the results are conflicting, none of the blood genetic test results shall be admissible as evidence of paternity or nonpaternity.

"(c) Any objection to the admission into evidence or objection to the reliability of any genetic testing results performed on the parties shall be made in writing by the party contesting the admission at least 15 days prior to any hearing at which the results may be introduced into evidence. In the event the results of any genetic test are not made available in time for the party to submit a written objection as provided above, the court shall grant a request for continuance of the proceedings to allow the party adequate time to make a proper objection under this section. If the results of any test were available to a party in time for the party to object to the genetic test results within 15 days and no objection was made, or if a request for a continuance is not made prior to or at the hearing as provided in the preceding sentence, the test results shall be admissible into evidence without the need for foundation testimony or any other proof of authenticity or accuracy.

"~~(e)~~(d) Compensation of each expert witness shall be paid as the court shall order. The court shall order said compensation to be paid prior to the administration of the blood genetic test.

"§26-17-13.

"(a) Evidence relating to paternity may include any of the following:

"(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;_

"(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;_

"(3) ~~Blood~~ Genetic test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;_ Genetic test results which indicate a 97 percent or greater probability that the alleged father is the biological or natural father of the minor child shall create a presumption of paternity that the alleged father is in fact the father of the child. This presumption may be rebutted only by clear and convincing evidence.

"(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests;_and;_

"(5) All other evidence relevant to the issue of paternity of the child.

"(b) Upon refusal of any witness, including a party, to testify under oath or produce evidence, or submit to genetic testing, the court may order him to testify under oath and produce evidence, including genetic testing, concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence might tend to incriminate him, the court shall grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for perjury committed in his testimony. The refusal of a witness, who has been granted immunity to obey an order to testify or produce evidence shall be punishable as a civil contempt of the court.

"(c) In an action against an alleged father, evidence offered by the alleged father with respect to another man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the alleged father has undergone and made available to the court ~~blood~~ genetic tests the results of which do not exclude the possibility of the alleged father's paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

"§26-17-15.

"(a) If the existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter, prior law or applicable sections of the criminal code, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the public authorities that have furnished or may furnish the reasonable expenses of pregnancy, confinement, education, or support, or by any other person, including a private agency, to the extent these expenses have been or are being furnished.

"(b) Pursuant to the Uniform Enforcement of Foreign Judgments Act, Sections 6-9-230 et seq., Code of Alabama 1975, a court in this state shall give full faith and credit to a paternity determination of any other state whether established through voluntary acknowledgment, administrative processes, or judicial process which paternity determination shall be enforced and otherwise treated in the same manner as a paternity determination of this state.

"~~(b)~~(c) The court shall order payments to be made to a person, corporation, agency designated to administer them under the supervision of the court, or the public authority which has furnished or may furnish support for the child including but not limited to monetary and medical payments.

"~~(c)~~(d) Willful failure to obey the judgment or order of the court is a civil contempt of the court. All sanctions for enforcement of judgments apply."

Section 2. The following code section shall be added to the Code of Alabama 1975:

Section 26-17-22.

(a) The natural mother and father of a child born to a woman who was unmarried at the time of birth and had not been married or attempted to be married within 300 days prior to the birth may, at any time and place prior to the child's 19th birthday, state and acknowledge that they are the natural parents of the child in an affidavit of paternity signed by both parties before a notary public. The affidavit shall be on a form prescribed by rule of court and shall include the Social Security number and current address of each parent, a listing of the rights and responsibilities of acknowledging paternity, including the duty to financially support the child, and instruction for filing the affidavit with the Office of Vital Statistics.

(b) The affidavit of paternity shall be a legally sufficient basis for establishing an obligation for child support and for the expenses of the mother's pregnancy and confinement. The affidavit may be admitted as evidence of paternity in any action to establish a support order or an adjudication of paternity.

(c) Hospitals that have a licensed obstetric care unit or are licensed to provide obstetric services or licensed birthing centers associated with a hospital shall provide to the mother and alleged father, if he is present in the hospital, during the period immediately preceding or following the birth of a child to an unmarried woman in the hospital, all of the following: (1) Written materials about paternity establishment. (2) Form affidavits of paternity for the purposes of subsection (a) above. (3) A written description of the rights and responsibilities of acknowledging paternity. (4) An opportunity, prior to discharge from the hospital, to speak with a trained person made available through the Department of Human Resources, either by telephone or in person, who can clarify information and answer questions about paternity establishment. The Department of Human Resources shall make materials available without cost to the hospitals. If the mother and father complete the affidavit in the hospital, the hospital shall send the affidavit of paternity to the Office of Vital Statistics with required birth certificate information within five days of the birth of the child. Hospitals may be reimbursed by the Department of Human Resources up to the amount allowable by federal regulations for each completed affidavit. A hospital shall be immune from civil or criminal liability for actions taken pursuant to the requirements of this section.

(d) Notwithstanding any law to the contrary, the affidavit of paternity shall be accepted by the Office of Vital Statistics for purposes of listing the father's name on the child's birth certificate.

(e) If a birth certificate has been filed in the Office of Vital Statistics, listing a father of the child, no new birth certificate can be established by the Office of Vital Statistics based on an affidavit of paternity received subsequently by that office unless a determination of paternity has been made by a court of competent jurisdiction or following adoption.

(f) The affidavit of paternity shall be released by the Office of Vital Statistics to the Department of Human Resources upon request by the department and payment of any fee required by the Office of Vital Statistics for the purpose of child support enforcement or any other lawful purpose without the necessity of a court order.

Section 3. This act shall be effective July 1, 1994.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, White, Williams and Willis.

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And the bill, H. 487, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, White, Williams and Willis.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 54.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the bill, H. 54, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 314.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative McDaniel, the bill, H. 314, and the pending Budget Isolation Resolution were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 544, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Williams and Willis.

-70

And the bill:

H. 544. (With Amendments): To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Small Business, said committee amendment being as follows:

Amend H. 544 on Page 4, sub-section (3), line 6 by removing the period (.) after the word "principal" and adding the following language , but does not include a person who places orders or purchases for his or her own account for resale, or a person engaged in home solicitation sales.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, White and Willis.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Small Business, said committee amendment being as follows:

Amend H. 544, page 5, line 1, by striking the words ~~seven-working~~ and inserting in lieu thereof the word thirty

Also on page 5, line 3, by striking the words ~~seven-working~~ and inserting in lieu thereof the word thirty

And on page 1, in the Synopsis, line 16, by striking the words ~~seven-working~~ and inserting in lieu thereof the word thirty

AMENDMENT TABLED

On motion of Representative McDaniel, the committee amendment #2 was tabled.

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Yeas 71; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, White, Williams and Willis.

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AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 544, as amended:

Amend House Bill 544 on page 2, line 4 by striking the words "seven working" and inserting in lieu thereof the word "thirty".

Further amend the bill on page 2, lines 26 and 27 and on page 5, lines 1 and 3 by striking the words "seven working" and inserting in lieu thereof the word "thirty".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, White, Williams and Willis.

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And the bill:

H. 544. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within thirty days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, White, Williams and Willis.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 267, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy,

Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, White, Williams and Willis.

-74

And the bill:

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, White, Williams and Willis.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 343, was adopted.

Yeas 72; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Buskey, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Freeman, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Venable, Walker, Warren, White and Willis.

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Nay:

Representatives Cagle and Hogan.

- 2

And the bill:

H. 343. (With Amendment): To amend Section 40-6A-2 of the Code of Alabama 1975, relating to the minimum compensation of county tax officials, to provide further for the compensation.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 343, Section 1, page 4, beginning on line 18, by inserting a period and a quotation mark after the word "schedule" and striking the remainder of lines 18, 19 and 20.

H. 343 TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the bill, H. 343, and the pending committee amendment were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 314, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Warren, Williams, Willis and Zoghby.

-78

And the bill:

H. 314. To amend Section 9-8A-3 of the Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by certain members; and to provide for the replacement of a designee absent from three or more consecutive meetings without cause.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Warren, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 28, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Williams and Willis.

-76

And the bill:

H. 28. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 28:

Representatives Anderson, Biddle, Bryant, Cagle, Carns, Carothers, Crow, Cullins, Dolbare, Gaines, Gaston, Hall (L), Haney, Harvey, Hawkins, Haynes, Hill,

Hilliard, Hogan, Holmes, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Warren, Williams and Willis.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Carothers to suspend the rules and bring up H. 343 out of order, was lost, lacking a four-fifths vote.

Yeas 37; Nays 10.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Carns, Carothers, Clark (W), Collins, Crow, Gullatt, Harvey, Hawkins, Haynes, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Laird, Layson, Letson, Mathis, Millican, Morrow, Newton (C), Page, Payne, Penry, Poole, Rich, Rockhold, Venable, Williams, Willis and Zoghby.

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Nay:

Representatives Cagle, Curry, Freeman, Hall (A), Hall (L), Hogan, Holmes, Knight (J), Mikell and Parker (P).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Higginbotham:

**H.R. 139. COMMENDING MACKENZIE JACKSON OF LEE COUNTY'S
BEAUREGARD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

Also:

The following resolutions were introduced:

By Representative Poole:

**H.J.R. 140. MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO PROPOSE AN AMENDMENT TO ARTICLE V OF THE UNITED
STATES CONSTITUTION THAT WILL ENABLE THREE-FOURTHS OF THE
STATES TO AMEND THE CONSTITUTION SUBJECT TO CONGRESSIONAL
VETO.**

**WHEREAS, all 33 amendments proposed to the United States Constitution
since 1788 have been initiated by Congress; and**

**WHEREAS, more than 400 petitions from the several states requesting a
constitutional convention to propose amendments have been filed with Congress
but have never resulted in the calling of a convention or adoption of an
amendment; and**

**WHEREAS, there should be a proper balance of national and state power in
a federal system; the present mechanism for the states to initiate a constitutional
convention has proved to be unworkable; and the envisioned and desirable
equipoise between national and state powers requires a means for the several
states to be able to propose amendments to the Constitution; and**

**WHEREAS, an Intergovernmental Partnership Task Force has proposed in
its 1989 report to the Intergovernmental Affairs Committee of the Council of State
Governments, an amendment to Article V of the United States Constitution to
establish a thoughtful balancing of national and state interests in the constitutional
amendment process; and**

**WHEREAS, the gist of the Task Force proposal is to enable the legislatures
of three-fourths of the states to propose amendments to the Constitution subject to
the veto of the Congress by a two-thirds vote of both Houses within two years of
the states' submission of the amendments; and**

**WHEREAS, this proposal embodies a prudent method for constitutional
amendments to be initiated by a substantial majority of the several states and yet
subject to veto by the Congress; now therefore,**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States is requested to propose an amendment to Article V of the Constitution of the United States which in essence provides that:

Whenever three-fourths of the Legislatures of the several states deem it necessary, they shall propose amendments to this Constitution. After two years from the date of receipt by the Clerk of the House of Representatives of a certified copy of the proposed amendments from the state which represents three-fourths or more of the several states, the proposed amendments shall be valid to all intents and purposes as part of this Constitution, unless disapproved by two-thirds of both Houses of Congress within that two-year period. Each state shall have the power to rescind its action to propose the amendments only until the beginning of that two-year period.

BE IT FURTHER RESOLVED, That the Legislature requests the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States, to each of the senators and representatives from Alabama, and to the legislatures of each of the several states, attesting to the adoption of this resolution.

The resolution, H.J.R. 140, was read and referred to the Standing Committee on Rules.

Also:

By Representative Higginbotham:

H.J.R. 141. COMMENDING MACKENZIE JACKSON OF LEE COUNTY'S BEAUREGARD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in a desire to recognize outstanding achievement by our state's youth, extends heartiest congratulations to Mackenzie Jackson, who will be leading the national organization, Health Occupations Students of America (HOSA), as its president for 1994-95; and

WHEREAS, Miss Jackson, a senior at Lee County's Beauregard High School in Opelika, Alabama, is currently serving the national organization as president-elect, which is the first of a three-year commitment to HOSA leadership,

as her term next year as president will be followed by service in 1995-96 on the Executive Board; and

WHEREAS, Health Occupations Students of America has a nationwide membership of over 54,000 secondary and postsecondary vocational students enrolled in Health Occupations Education, and Mackenzie Jackson is a member of Alabama HOSA which was organized and is sponsored by the State Board of Education and the Division of Vocational Education; and

WHEREAS, the activities of HOSA are an integral part of the instructional program providing both occupational and leadership skills for Health Occupations Education Students, and, through her elevation to a leadership role at the national level, Miss Jackson has brought great credit upon herself, her school, community, and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend Mackenzie Jackson of Beauregard High School, Opelika, Alabama, and do further direct that she receive a copy of this resolution, with best wishes for every future success in life.

The resolution, H.J.R. 141, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Payne and Poole:

H.J.R. 142. ENCOURAGING THE BUSINESS COMMUNITY AND ALL GOVERNMENTAL ENTITIES TO GIVE PARENTS ADMINISTRATIVE LEAVE TO MEET WITH TEACHERS AND SCHOOL ADMINISTRATORS.

WHEREAS, the Children of Alabama are our leaders of tomorrow and the national treasure of all our citizens; and

WHEREAS, parental involvement in the life of the child is crucial to a strong and sound family unit and no segment of society is more vital to a well-adjusted family than the educational experience of the child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly encourage the business community and all local and state governmental agencies to give administrative leave of at least one hour per month during the school year for the purpose of any parent

to attend parent-teacher conferences or to be involved in other educational experiences of the child at their local school.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the state Business Council of Alabama, the League of Municipalities, the Association of County Commissioners, and the State Personnel Department.

The resolution, H.J.R. 142, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. on February 10, 1994.

H. 85

H. 88

H. 428

H. 468

H.J.R. 104

H.J.R. 109

H.J.R. 110

H.J.R. 111

H.J.R. 112

Delivered to the Secretary of State at 11:35 A.M. on February 10, 1994.

H. 429 (CONSTITUTIONAL AMENDMENT)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W) and pursuant to the resolution, H.R. 137, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Wednesday, February 16, 1994.

TWELFTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, February 16, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Jeff Dolbare.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by E. J. Sterne and Mandy Freeman, 6th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the eleventh legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Bryant, leave of absence was granted for Representative Thomas.

Also:

At the request of Representative Hawkins, leave of absence was granted for Representative Rogers (F).

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 133. COMMENDING JOHN T. MORGAN ACADEMY ON THE 1993 ALABAMA INDEPENDENT SCHOOL ASSOCIATION'S FOOTBALL CHAMPIONSHIP.

On motion of Representative Carter, the resolution, H.J.R. 133, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 134. COMMENDING E. ROBERTS LEATHERBURY OF MOBILE, ALABAMA, ON HIS SELECTION AS MAN OF THE YEAR FOR 1993 BY THE NATIONAL MARITIME SAFETY ASSOCIATION, INC.

On motion of Representative Carter, the resolution, H.J.R. 134, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 135. DESIGNATING THE CRUM FOSHEE HIGHWAY, BUTLER AND COVINGTON COUNTIES, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 135, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 31, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 38, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 37, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

On motion of Representative Carter, the resolution, S.J.R. 39, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, S.J.R. 40, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 42. COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, S.J.R. 42, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 141. COMMENDING MACKENZIE JACKSON OF LEE COUNTY'S
BEAUREGARD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

On motion of Representative Carter, the resolution, H.J.R. 141, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

**H.J.R. 142. ENCOURAGING THE BUSINESS COMMUNITY AND ALL
GOVERNMENTAL ENTITIES TO GIVE PARENTS ADMINISTRATIVE LEAVE TO
MEET WITH TEACHERS AND SCHOOL ADMINISTRATORS.**

On motion of Representative Carter, the resolution, H.J.R. 142, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 383. Reopening the Teachers' Retirement System for a certain time to allow certain members of the system to purchase prior service credit for a certain amount of time that they were on maternity leave from active service without pay.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 430. (With Substitute): To make a supplemental appropriation for the sum of fourteen thousand dollars (\$14,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 581. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

H. 590. To establish the Alabama Small Business Research Development Program within the Alabama Department of Economics and Community Affairs and to make an appropriation to the program.

H. 79. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

H. 547. To make a supplemental appropriation from the State Health Planning Agency Certificate of Need Fund in the State Treasury to the State Health Planning Agency for the fiscal year ending September 30, 1994.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 379. (With Amendment): Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 611. (With Substitute): To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 618. To establish a board of trustees who shall be charged with forming the Alabama Family Trust Corporation, the Alabama Family Trust, and the Alabama Family Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 56. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, for investigation of and penalties for the offenses, and for a delayed effective date.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 339. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum subject to the same limitations imposed on the Legislature with certain exceptions.

The above bill was read a second time at length as required by the Constitution.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 306. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial court; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library.

H. 461. Relating to Jefferson County; authorizing the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by subsection (e) of Section 13 of Act No. 497, H. 1057, 1965 Regular Session (Acts 1965, p. 717), as amended by Act No. 81-1060, H. 9, 1981 Second Special Session (Act 1981, p. 305), a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System; repealing Act No. 93-927, H. 52, First Special Session (Acts 1993, p. ____).

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 544. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within thirty days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

TOMMY CARTER
Chairman

And the bill, H. 544, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Dolbare and Turner:

H.J.R. 143. EXPRESSING DISAPPROVAL OF PROPOSALS PLACING THE ALABAMA STURGEON ON THE ENDANGERED SPECIES LISTING AND DESIGNATING CERTAIN ALABAMA WATERS AS A CRITICAL HABITAT FOR THE ALABAMA STURGEON.

WHEREAS, the Alabama Legislature notes that the U.S. Fish and Wildlife Service has recommended the Alabama Sturgeon be placed on the Endangered Species list and that the lower Cahaba River, lower Alabama River, and the lower Tombigbee Rivers be listed as critical habitats for the Alabama Sturgeon, pursuant to the Endangered Species Act of 1973; and

WHEREAS, the negative economic impact of designating certain waterways in Alabama as critical habitats for the Alabama Sturgeon has been estimated to be in excess of \$12,000,000,000 over the next 10 years according to studies conducted by Troy State University economists; and

WHEREAS, the U.S. Fish and Wildlife Service has ignored and dismissed vital scientific studies in making its proposals on the Alabama Sturgeon and failed to give equal weight to empirical data and facts developed by other biologists, thus, denying a fair and impartial analysis; and

WHEREAS, based on the lack of scientific and commercial information required to support the listing, the listing of the Alabama Sturgeon pursuant to the Endangered Species Act should be rejected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most vehemently disapprove and condemn placing the Alabama Sturgeon on the Endangered Species List and designating the lower Cahaba River, lower Alabama River, and lower Tombigbee Rivers as critical habitats of the Alabama Sturgeon.

BE IT FURTHER RESOLVED, That we urge the Alabama Congressional delegation to vote against any legislation renewing the Endangered Species Act of 1973, and that copies of this resolution be sent to the U.S. Fish and Wildlife Service, to each member of the Alabama Congressional Delegation, and to Mr. Charles Kelly, Commissioner of the Game and Fish Division of the Department of Conservation and Natural Resources.

The resolution, H.J.R. 143, was read and referred to the Standing Committee on Rules.

Also:

By Representative Newton (D):

H.J.R. 144. CONGRATULATING MRS. LUCY STEELE ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, heartiest congratulations are herein extended by the Alabama Legislature to Mrs. Lucy Steele of Birmingham, Alabama, on the occasion of her 100th Birthday, February 18, 1994; and

WHEREAS, Mrs. Steele, who was born in Selma, Alabama, on February 18, 1894, to James and Fannie Perkins, was married to James Steele and, together, they shared their married life as farmers; and

WHEREAS, Mrs. Steele joined the Tabernacle Baptist Church in 1930, which she has since faithfully served, and is a member of the choir; and

WHEREAS, Mrs. Steele, a warm and gracious lady and a devoted Christian, is a beloved member of her community, and it is with great pleasure that we join in celebrating this eventful milestone in her long and fruitful life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Lucy Steele of Birmingham, Alabama, on the momentous occasion of her 100th birthday, and do further direct that she receive a copy of this resolution, with sincere best wishes for many more years of good health and happiness in life.

The resolution, H.J.R. 144, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Laird (With Notice and Proof):

H. 629. Relating to Randolph County; to authorize the board of health to designate the clinical services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 629, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Biddle and Ford:

H. 630. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Jefferson State Community College and Gadsden State Community College for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 631. To provide procedures by which municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the fair market value of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; to provide certain tax exemptions for district management corporations; to provide immunity from civil liability to district management corporations and their noncompensated officers and directors; and to provide immunity from civil liability to the municipality respecting acts of district management corporations, their officers, directors, agents or employees.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hall (A) (With Notice and Proof):

H. 632. Relating to Jackson County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 632, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 633. To reopen the Teachers' Retirement System of Alabama to allow active and contributing members of the system to purchase certain prior service credit for employment in a certain umbrella school of a city school system which was financed by the parents of the pupils attending the school; to provide for payment for the credit; and provide for a termination.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 634. Amending Section 36-21-10, Code of Alabama 1975, relating to the minimum salary for full-time law enforcement officers employed by a county.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Haynes:

H. 635. Amending Section 11-43-186, Code of Alabama 1975, relating to the minimum salary for municipal police officers employed by a municipality.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Dolbare:

H. 636. To amend Section 22-21-278 of the Code of Alabama 1975, exempting kidney disease treatment centers in certain municipalities from the certificate of need requirement; to limit the exemptions to those municipalities with ten freestanding hemodialysis units.

COMMITTEE ON HEALTH

By Representative Layson:

H. 637. To create a new circuit judgeship in the Twenty-fourth Judicial Circuit.

COMMITTEE ON WAYS AND MEANS

By Representative Mikell:

H. 638. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative McClain:

H. 639. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Fairfield Board Of Education for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Kvalheim, Gaston, McMillan, Penry, Turner, Zoghby, Box, Kennedy, and Rockhold:

H. 640. To amend Section 41-9-357 of the Code of Alabama 1975, relating to the battleship fund, to authorize the commission to expend funds for the promotion of the battleship.

COMMITTEE ON STATE ADMINISTRATION

By Representative Smith (C):

H. 641. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

COMMITTEE ON JUDICIARY

By Representatives Curry, Petelos, Carns, Hilliard, McClain, Payne, and Spratt
(With Notice and Proof):

H. 642. Prescribing procedures for abolishing certain fire districts.

COMMITTEE ON LOCAL GOVERNMENT

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 642, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Curry and McDowell (With Notice and Proof):

H. 643. Relating to Jefferson County governmental operations and the county-wide civil service system; providing for the structure, policy-making, and operation of the system; providing for the composition, membership, authority, and operation of the Jefferson County Personnel Board and the Jefferson County Citizens Supervisory Commission; providing for definitions, and for the officers, members of the board and commission, the terms, powers, duties, liabilities, meetings, and compensation of those persons; providing for budgets and agency expenses, the promulgation and enforcement of rules and regulations; providing for the appointments and representation on the board and commission pursuant to certain federal court orders; providing for procedures for participating in the county-wide civil service system by municipalities and others within the county, the inclusion of the physically and mentally handicapped or disabled within the system; providing for the powers of oversight over the actions and rules and regulations of the board and commission; providing for the impeachment procedures for members of the Jefferson County Personnel Board; requiring the

Jefferson County Commission to furnish suitable rooms and maintenance, utilities, supplies, equipment, printing, and clerical assistance for the board and duties of personnel; providing for the selection and furnishing of legal services for the board; providing for the status of existing and future employees subject to the civil service system; providing for the selection, duties, powers, and compensation of certain officers of the personnel board, and the periodic review of the grades, salaries, and classifications of employees subject to the Jefferson County Civil Service System; providing for the manner of examinations and rankings for civil service applicants and the evaluations and ratings of persons subject to the county civil service system, including municipal employees subject to the system; providing for executive-exempt service; providing for filling vacancies and creating new positions, and promotions in the civil service system, leave of absences, reductions in force, transfers, and reinstatements of permanent employees, as well as dismissals, demotions, and suspensions, the appeal processes and other rights of employees; providing for the certification of payrolls; providing for employee political activities and prohibiting certain actions in conflict with duties and civil service status; and to specifically repeal the following acts as amended, all relating to the Jefferson County Civil Service System, the personnel board, and the citizens supervisory commission: Act No. 248, H. 580, Regular Session 1945 (Acts 1945, p. 376), as amended by: Section 26 of Act No. 334, Regular Session 1945 (Local Acts 1945); Act No. 283, Regular Session 1947 (Acts 1947, p. 142); Act No. 345, Regular Session 1947 (Acts 1947, p. 222); Act No. 562, Regular Session 1947 (Acts 1947, p. 398); Act No. 670, Regular Session 1953 (Acts 1953, p. 926); Act No. 657, Regular Session 1953 (Acts 1953, p. 916); Act No. 17, First Special Session 1956 (Acts 1956, p. 32); Act No. 97, First Special Session 1956 (Acts 1956, p. 414); Act No. 476, Regular Session 1957 (Acts 1957, p. 653); Act No. 591, Regular Session 1967 (Acts 1967, p. 1366); Act No. 636, Regular Session 1967 (Acts 1967, p. 1446); Act No. 1238, Regular Session 1969 (Acts 1969, p. 2335); Act No. 1600, Regular Session 1971 (Acts 1971, p. 2754); Act No. 677, Regular Session 1977 (Acts 1977, p. 1167); Act No. 679, Regular Session 1977 (Acts 1977, p. 1176); Act No. 680, Regular Session 1977 (Acts 1977, p. 1179); Act No. 684, Regular Session 1977 (Acts 1977, p. 1183); Act No. 87-815, Regular Session 1987 (Acts 1987, p. 1626); Act No. 87-225, Regular Session 1987 (Acts 1987, p. 316); Act No. 87-799, Regular Session 1987 (Acts 1987, p. 1572); Act No. 89-467, Regular Session 1989 (Acts 1989, p. 967); Act No. 89-739, Regular Session 1989 (Acts 1989, p. 1467); Act No. 89-765, Regular Session 1989 (Acts 1989, p. 1545); Act No. 89-805, Regular Session 1989 (Acts 1989, p. 1605); and Act No. 89-702, Regular Session 1989 (Acts 1989, p. 1397); and repealing any other conflicting laws; and providing a savings clause for certain rights, duties, privileges, benefits, and liabilities of persons and agencies now subject or prospectively subject to this act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 643, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 644. Relating to Etowah County; amending Act No. 91-158, H. 115, 1991 Regular Session, as amended, to provide further for the distribution of the proceeds from the tax levied by the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 644, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 645. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 645, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 646. Relating to Etowah County; providing for the powers and duties of the Chief Executive Officer of Etowah County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 646, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Harper:

H. 647. To provide further for the effective date of Act No. 91-546, H. 596, 1991 Regular Session.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 648. To amend Section 37-1-18, Code of Alabama 1975, which provides for an annual appropriation from the State General Fund to the Consumer's Utility Rate Hearing Fund to be used for the presentation of the case for the consumer in utility rate increase hearings before the Public Service Commission, so as to provide for the use of the Consumer Utility Rate Hearing Fund by the Attorney General and that the fund shall be under the Office of the Attorney General.

COMMITTEE ON WAYS AND MEANS

By Representative Hilliard:

H. 649. To amend Sections 40-23-2 and 40-23-61, Code of Alabama 1975, which provides for sales and use taxes, respectively, on the gross receipts on the products of certain businesses by including in those activities subject to a tax upon gross receipts the business of selling or licensing the right to play copyrighted music to radio stations, television stations, and other business establishments and to require the taxpayer to report all fees and royalties within Alabama and the sources of the fees and royalties within Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 650. To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representatives Morton, Curry, Drake, Knight (A), Bowling, Page, McDaniel, Sanderford, Newton (D), Black (M), Parker (T), McClain, Rogers (J), Carns, Butler, Hawkins, Millican, Turnham, Flowers, Venable, Fuller, Cosby, Holley, Campbell, Rich, Cullins, Newton (C), Mathis, Laird, McKee, Walker, Willis, Crow, Hogan, Warren, Mikell, Clay, Penry, Kvalheim, Clark (W), Layson, Johnson, Holladay, Ford, Carter, Hamilton, Lindsey, Anderson, Morrow, Letson, Dolbare, Freeman, Smith (C), Hall (L), Powell, Hill, Collins, Gaines, Smith (R), Burke, Harvey, Hilliard, Spratt, Hammett, Carothers, Rockhold, Gullatt, Hooper, Clark (J), Petelos, Sanderson, Turner, Haney, Perdue, Blakeney, White, and Starkey:

H. 651. This bill would impose penalties on certain persons who provide extra benefits to student athletes.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Laird, Gaines, McMillan, Curry, McKee, Knight (A), Carns, Morton, Cosby, Sanderford, Sanderson, Cullins, Haney, Hill, Mikell, Hawkins, Johnson, Dolbare, Walker, Crow, Hamilton, Richardson, Smith (R), Willis, Petelos, Rich, Biddle, Payne, and Layson:

H. 652. Relating to the reform of public education and related educational matters; to provide for "The Alabama Students First Empowerment Act of 1994"; to amend Section 12-15-13, Code of Alabama 1975, relating to the delinquency of children, to provide that a parent or guardian may be punished for failure of the child to pursue academic and standards of conduct of the public schools and to prescribe penalties; to amend portions of Chapters 1, 3, 4, 9, 13, 21, 23, 24, 28, 35, and 36 of Title 16, and Section 36-26-100, Code of Alabama 1975, relating to education, to provide standards for equal and adequate educational opportunities in all public schools of the state; to amend Section 25 of "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session, to provide that all mandates of this act shall be implemented after passage of the act and signature of the Governor; to provide for certain penalties for violating certain injunctions concerning school safety; and to specifically repeal Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced:

By Representative Butler:

H.J.R. 145. COMMENDING SUSAN HALL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in a desire to honor young Alabamians of outstanding achievement, herein recognizes Susan Hall, a 17-year-old senior at Bob Jones High School in Madison, who has achieved outstanding success over her brief high school career; and

WHEREAS, Susan, an exceptional young lady, was named Madison County's Young Woman of the Year in 1994, and was the recipient of the Daughters of the American Revolution Good Citizen Award, as well as numerous supercomputing and academic awards; and

WHEREAS, the daughter of Ray and Sue Hall, she also is an honor roll student; has served as captain of the cheerleading squad, class vice president for four years, and 1993 Homecoming Queen; and sings at College Park Church of God; and

WHEREAS, Susan, who is considering a career in the field of chemical engineering, participated in NASA's SHARP program during the past summer, and served as the only student presenter during Supercomputing '93, a national exposition held in Portland, Oregon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Susan Hall of Madison, Alabama, and direct that she receive a copy of this resolution as an expression of tribute and esteem.

The resolution, H.J.R. 145, was read and referred to the Standing Committee on Rules.

Also:

By Representative Butler:

H.J.R. 146. COMMENDING JEFFERY MALCOLM OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the selection of Jeffery Malcolm of Madison, Alabama, to attend the National Young Leaders Conference held in Washington, D. C., January 18-23, 1994; and

WHEREAS, the National Young Leaders Conference, sponsored by the Congressional Youth Leadership Council, is a unique leadership development program for exceptional high school students who have demonstrated leadership potential and scholastic merit, and provides these students an opportunity to distinguish themselves as the leaders of tomorrow; and

WHEREAS, Jeffery, who is a junior at Bob Jones High School in Madison, was one of 350 students from across the nation selected to attend the conference; and

WHEREAS, over the six days of the conference, Jeffery was provided the opportunity to interact with prominent leaders and newsmakers from the three branches of government, the media, and diplomatic corps, and to participate in a number of leadership skill-building activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Jeffery Malcolm of Madison, Alabama, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 146, was read and referred to the Standing Committee on Rules.

Also:

By Representative Butler:

H.J.R. 147. COMMENDING PATRICK ELMS OF MADISON, ALABAMA, FOR OUTSTANDING HUMANITARIAN SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Patrick Elms of Madison, Alabama, for heroic and selfless service to others; and

WHEREAS, Patrick Elms, risking his own personal safety, organized and planned his own humanitarian mission to war-torn Bosnia, his goal being to supply food and clothing to the children of the Bejlav Orphanage, and to deliver badly needed medical supplies to the hospital in Sarajevo; and

WHEREAS, however, for Patrick Elms, who majored in finance at Auburn University, and is a devout Christian, missionary work, especially with children, is nothing new; he has worked with homeless children on an Indian reservation, and with street kids in New York City and Washington D.C.; and

WHEREAS, he has also served with Project Uplift, working with children living in the projects at Auburn, and received the Algernon Sydney Sullivan Award on being ranked as the top volunteer in 20 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary humanitarian service, we hereby most highly commend Patrick Elms of Madison, Alabama, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 147, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 148. CONGRATULATING MAYOR JAMES P. NIX, SR., OF FAIRHOPE, ALABAMA, ON HIS APPOINTMENT TO THE BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF CITIES.

WHEREAS, the Alabama Legislature notes, on this auspicious occasion, that the Honorable James P. Nix, Sr., of Fairhope, Alabama, was recently elected to the Board of Directors of the National League of Cities at the League's annual Congress; and

WHEREAS, Mayor Nix has served on numerous positions of leadership such as President of the Alabama League of Municipalities, Chairman of the Alabama Coastal Area Board, Chairman of the Board of the Alabama Municipal Electric Authority; and

WHEREAS, Mayor Nix also contributes his time and energies to serving on the Transportation and Communication Policy Committee of the National League of Cities and the Alabama League of Municipalities Transportation and Communication Committee; is a member of the Board of Directors of Colonial Bank, and Gulf Region; and serves as Chairman of the Fairhope Board of Directors of Colonial Bank; and

WHEREAS, Mayor Nix's community and civic involvement and contributions notwithstanding, he has not neglected his commitment to his family; he and his wife, the former Anne Delorn Peele are the proud parents of three children, James P. Nix, Jr., Vicky Cook and Susan Tillman, and the grandparents of five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mayor James P. Nix, Sr., of Fairhope, Alabama, on his election to the Board of Directors of the National League of Cities and wish him the best in his new endeavors and responsibilities.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mayor James P. Nix, Sr.

The resolution, H.J.R. 148, was read and referred to the Standing Committee on Rules.

Also:

By Representative Kvalheim:

H.J.R. 149. MOURNING THE DEATH OF MR. WILLIAM C. LUCEY OF FAIRHOPE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. William C. Lucey of Fairhope, Alabama, on February 2, 1994; and

WHEREAS, a native of St. Louis, Missouri, a former longtime resident of Winnetka, Illinois, and a resident of Fairhope for the past 20 years, Mr. Lucey had retired from the American Red Cross after 40 years of service and 25 years with the Chicago Mid-American Chapter as Executive Director; and

WHEREAS, he was involved in leadership and service with numerous civic, cultural, and educational activities, and contributed generously to Trinity Presbyterian Church of Fairhope, where he served as an Elder; he was a member of Sigma Chi Fraternity, past Chief Commander of the United States Power Squadron, the Fairhope Lions Club, past President of the Fairhope Single Tax Corporation, Fairhope Yacht Club, and the Lake Forest Yacht and Country Club; and

WHEREAS, William C. "Jack" Lucey was indeed a very kind, loving and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William C. Lucey, and extend our very deepest sympathy to his wife, Mrs. Vivian E. Lucey, their children, Mrs. Kerry Wolfe and Colonel James W. Lucey, his brother Robert H. Lucey, and two grandchildren, for whom copies of this resolution shall be provided so that they may know we sincerely share their great and grievous loss.

The resolution, H.J.R. 149, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gaston and Buskey:

H.J.R. 150. COMMENDING HARRIETT RODGERS LILlich OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO EDUCATION.

WHEREAS, the Alabama Legislature, in consensus of commendation, recognizes Harriett Rodgers Lillich of Mobile, Alabama, for 30 years of distinguished service in the field of education; and

WHEREAS, Ms. Lillich, who earned both her AB and MA degrees from the University of Alabama, has spent more than three decades in dedicated service to education as a teacher at Banks High School in Birmingham, and at Murphy High School, Julius Tutwiler Wright School for Girls, and UMS-Wright Preparatory School in Mobile; currently she teaches European, Russian, and World History, and has previously taught government and economics; and

WHEREAS, Ms. Lillich has served her profession in such capacities as a member of the Educational Testing Services Test Development Committee for the SAT II; as a reader for the advanced placement examination in European History; and was recipient of the Basic Education Grant for Independent Study in the humanities which provided an eight week study of Imperial Russia; and

WHEREAS, she has served in such other capacities as sponsor of the senior class, National Honor Society, Youth-in-Government Club and coach of the Scholar's Bowl, and has accompanied students to study in Greece and Italy; and

WHEREAS, in tribute to her accomplishments, she has been the recipient of a number of honors and awards over her career, which include a Fullbright Award, and the Arlene Mitchell Award for Excellence in Teaching; and

WHEREAS, Ms. Lillich is also a member of the board of the English-Speaking Union, the Mobile Opera Guild, the Mobile Chapter of the University of Alabama Alumni Association, and of St. Paul's Episcopal Church, where she has taught Sunday School and served as an EYC sponsor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding devotion and service to education in our state, we hereby most highly commend Harriett Rodgers Lillich, for whom a copy of this resolution of sincere tribute shall be provided.

The resolution, H.J.R. 150, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 151. CONGRATULATING MRS. MAGNOLIA LEE BALLARD ON THE OCCASION ON HER 99TH BIRTHDAY.

Also:

By Representative Butler:

H.R. 152. MOURNING THE DEATH OF MRS. EULA RUSSELL KELLY OF HUNTSVILLE, ALABAMA.

Also:

By Representative Layson:

H.R. 153. COMMENDING TIFFANY SPENCER OF GORDO HIGH SCHOOL FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 154. COMMENDING THE PICKENS ACADEMY SCHOLARS' BOWL TEAM AS WINNER OF THE NINTH ANNUAL PICKENS COUNTY SCHOLARS' BOWL.

Also:

By Representative Layson:

H.R. 155. COMMENDING LAURA CURRY OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 156. COMMENDING HAROLD THOMAS OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 157. COMMENDING JAMIE LONG OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 158. COMMENDING CHAD WATT OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 159. COMMENDING DAVID HOLLIMAN OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Newton (D):

H.R. 160. CONGRATULATING MRS. LUCY STEELE ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

By Representative Layson:

H.R. 161. COMMENDING OLIVER PARKER OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 162. COMMENDING LEE ESTIS OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 163. COMMENDING DOUG VARNON OF PICKENS ACADEMY FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Richardson:

H.J.R. 164. COMMENDING THE NORTH JACKSON HIGH SCHOOL CHIEFS ON THE 1993 STATE CLASS 4A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to congratulate the North Jackson High School Chiefs as Alabama's 1993 State 4A Football Champions; and

WHEREAS, the North Jackson Chiefs, under the talented leadership of Head Coach Phillip Lolley, and ably assisted by Coaches Mark Farmer, Barry Shrader, Jim Thomas, Rodney Rogers, Chris Jones, Vic Griggs, and Randy Kirkpatrick, advanced to the State Play-offs, where they outscored their five collective opponents 137-29, including a 39-0 shutout over Cherokee County, and impressive wins over Cleburne County (28-2), Fayette County (28-7), Piedmont (21-6), and over Daleville High, 21-14, in the Title game; and

WHEREAS, the "Super" Chiefs, with a record of 14-1, averaged 34.9 points per game in regular season play while ceding an average of only 4.9 points per game to their opponents; overall, including the playoffs, they posted 7 shutouts, averaged 32.4 points per game, and allowed their opponents an average of only 5.2 points per game, or less than a touchdown each week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend Coach Phillip Lolley, his staff, and the North Jackson High School Chiefs on the 1993 State Class 4A Football Championship, and direct that copies of this resolution be forwarded to Principal Kenneth R. Harding for appropriate presentation and school display.

The resolution, H.J.R. 164, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Haynes and Johnson:

H.J.R. 165. COMMENDING CHARLES OLIVER WHITE OF SYLACAUGA, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, recognizes Charles Oliver White of Sylacauga, Alabama, on the occasion of his retirement, February 25, 1994, following longtime dedicated service as a firefighter for the City of Sylacauga; and

WHEREAS, Fireman White, a graduate of the Alabama Fire College (1990) and the National Fire Academy (1991), has been employed by the City of Sylacauga as a firefighter since September of 1969, and, over his long and distinguished tenure of public service has shown utmost commitment to his duties and responsibilities along with a special care and concern for the safety and well-being of his fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement February 25, 1994, and in recognition of outstanding service to the Sylacauga community, we hereby most highly commend Charles Oliver White, for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in retirement.

The resolution, H.J.R. 165, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Lindsey, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Smith (B):

S.J.R. 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

By Senator Corbett:

S.J.R. 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 44, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 45, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Mikell, the Budget Isolation Resolution relating to the bill, H. 149, was adopted.

Yeas 28; Nays 0.

Yea:

Mr. Speaker, Blakeney, Cagle, Carns, Clay, Collins, Crow, Curry, Fuller, Gaines, Gaston, Gullatt, Hammett, Hawkins, Hogan, Holley, Kvalheim, McMillan, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Rockhold, Smith (C), Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 149. To propose a constitutional amendment to further provide for the extension of the corporate limits of the City of Millbrook and the City of Prattville in Elmore County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Cagle, Carns, Carothers, Clay, Collins, Crow, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Hall (L), Hammett, Harper, Hawkins, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Mathis, McClain, McDaniell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Venable, Walker, Warren, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Mikell, the Budget Isolation Resolution relating to the bill, H. 326, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Box, Cagle, Carns, Clay, Collins, Crow, Curry, Fuller, Gaines, Gaston, Gullatt, Hammett, Hawkins, Haynes, Hogan, Holley, Johnson, Knight (A), Kvalheim, Layson, McMillan, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Rockhold, Smith (C), Spratt, Venable, Willis and Zoghby.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 326. Relating to Elmore County; to further provide for the extension of the corporate limits of the City of Millbrook and any municipality located entirely or partially in another county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Cagle, Carns, Carothers, Crow, Curry, Fuller, Gaines, Gaston, Gullatt, Hammett, Haynes, Hill, Hogan, Holley, Johnson, Knight (A), Kvalheim, Layson, Mathis, McClain, McMillan, Morton, Parker (P), Payne, Penry, Petelos, Poole, Rockhold, Smith (C), Venable, Williams, Willis and Zoghby.

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Nay:

Representative Mikell.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative McMillan offered the motion to reconsider the vote by which the bill, H. 326, was passed, and the motion to reconsider was adopted.

And the bill, H. 326, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Cagle, Carns, Carothers, Crow, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Mathis, McClain, McMillan, Mikell, Morton, Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Smith (C), Spratt, Turner, Turnham, Venable, Walker, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Higginbotham, the Budget Isolation Resolution relating to the bill, H. 509, was adopted.

Yeas 67; Nays 0.

Yea:

Representatives Beasley, Black (L), Blakeney, Box, Bryant, Cagle, Carns, Carothers, Collins, Cosby, Crow, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall (A), Hamilton, Hammett, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

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And the bill:

H. 509. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions.

was read a third time at length and lost, lacking a three-fifths unanimous vote of all members elected to the House as required by Amendment No. 425 of the Constitution.

Yeas 66; Nays 1.

Yea:

Representatives Beasley, Black (L), Blakeney, Bowling, Box, Bryant, Cagle, Campbell, Carns, Carothers, Cosby, Crow, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall (A), Hamilton, Hammett, Hawkins, Higginbotham, Hill, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-66

Nay:

Representative Gullatt.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 595, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Carter, Clark (W), Clay, Crow, Cullins, Curry, Drake, Flowers, Freeman, Gaines, Gaston, Hall (A), Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, Mikell, Morrow, Morton, Newton (C), Petelos, Poole, Rich, Rockhold, Sanderson, Turner, Williams, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 595. To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for deputy sheriffs in Mobile County and to provide that such deputy sheriffs receive the same across-the-board pay raises and merit increases afforded to all other Mobile County employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Hall (A), Hawkins, Hill, Hilliard, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McMillan, Mikell, Morrow, Morton, Penry, Petelos, Poole, Rich, Rockhold, Rogers (J), Sanderson, Spratt, Williams, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 596, was adopted.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Blakeney, Box, Buskey, Cagle, Carter, Clark (W), Cullins, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, McClain, McMillan, Morton, Newton (C), Parker (P), Parker (T), Petelos, Rich, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Venable, Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 596. Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation; to provide for the governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the municipality parking facilities; to empower the authority to lease parking facilities to or from others; to grant the authority other powers, including the power of eminent domain; to authorize the municipality to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that the bonds may be secured by pledge of any revenues of the authority

and the mortgage of any property of the authority; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county or municipality of this state to invest in bonds of the authority; to provide that the bonds shall be legal investments for fiduciaries, savings banks, and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the issuance; and to provide for the dissolution of any such authority and the disposition of its property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Bowling, Box, Bryant, Buskey, Cagle, Campbell, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hammett, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-53

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 234, as amended on the third legislative day, was temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Petelos, the bill, H. 21, and the pending Budget Isolation Resolution offered by him on the eighth legislative day were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Hill to the bill, H. 247, on the eighth legislative day and the Budget Isolation Resolution was adopted.

Yeas 55; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Bowling, Campbell, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Poole, Rich, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Walker, Warren and Willis.

-55

Nay:

Representatives Cagle and Payne.

- 2

S. 293 SUBSTITUTED FOR H. 247

On motion of Representative Hill, the bill, S. 293, was substituted for the bill, H. 247.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 293, was adopted.

Yeas 63; Nays 4.

Yea:

Representatives Beasley, Biddle, Black (M), Bowling, Bryant, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-63

Nay:

Representatives Box, Cagle, Payne and Poole.

- 4

And the bill:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

was read a third time at length and passed.

Yeas 75; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Bryant, Burke, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson,

12th Day

Letson, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Box, Cagle and Payne.

- 3

H. 247 INDEFINITELY POSTPONED

On motion of Representative Hill, the bill:

H. 247. Relating to automated teller machines so as to amend Section 5-5A-30 of the Code of Alabama 1975 to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to a person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law and that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer from time to time; to provide for disclosure of the transaction fee; to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by such bank by customers of another financial institution shall prohibit, limit or restrict the right of such bank to charge any fees not prohibited by law or require such bank to limit or waive its rights under this act, irrespective of whether such contract was entered into before or after the effective date of this act; and to provide for the effective date of this act.

was indefinitely postponed.

H. 20 TEMPORARILY CARRIED OVER

On motion of Representative Petelos, the bill, H. 20, and the pending substitute reported by the Standing Committee on Judiciary on the eighth legislative day were temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Representatives Butler, Hall (A), Freeman, Sanderford, Haney, Hall (L), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 166. RECOGNIZING THE GEORGE C. MARSHALL SPACE FLIGHT CENTER, THE CITY OF HUNTSVILLE, MADISON COUNTY AND THE U. S. SPACE & ROCKET CENTER DURING THE 25TH ANNIVERSARY OF THE FIRST MANNED MOON LANDING.

WHEREAS, the George C. Marshall Space Flight Center of the National Aeronautics and Space Administration developed the Saturn V rocket and other machinery and strategies that placed the first humans on the moon in July 1969; and

WHEREAS, the Marshall Space Flight Center is located in the City of Huntsville and Madison County, which provided crucial and invaluable physical and moral support to the Marshall Space Flight Center in putting the first humans on the moon; and

WHEREAS, the U. S. Space & Rocket Center, the number one visitor attraction in the State of Alabama, and located in the City of Huntsville, serves as the official visitor center for the Marshall Space Flight Center, and has spent the past 24 years promoting the accomplishments of the space program, including the first manned moon landing; and

WHEREAS, the efforts of the Marshall Space Flight Center, the City of Huntsville, Madison County, and the U. S. Space & Rocket Center have generated millions of dollars in state revenues during the past quarter century; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize the George C. Marshall Space Flight Center, the City of Huntsville, Madison County, and the U. S. Space & Rocket Center during the 25th anniversary of the first manned moon landing, a monumental event in human history that is being commemorated July 15 through July 24, 1994, in the State of Alabama.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 166, was adopted.

BILLS ON THIRD READING RESUMED

The House then proceeded with the consideration of the bills on the Regular Calendar.

And the bill:

H. 20. (With Substitute): To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

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and the pending substitute reported by the Standing Committee on Judiciary on the eighth legislative day which were previously temporarily carried over were taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary.

To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn was lost.

Yeas 25; Nays 52.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Cagle, Campbell, Carns, Clay, Crow, Dolbare, Drake, Ford, Goodwin, Hawkins, Holmes, Kennedy, Knight (J), Laird, Newton (D), Payne, Perdue, Poole, Turner, Walker and Warren.

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Nay:

Mr. Speaker, Beasley, Burke, Butler, Carothers, Carter, Clark (W), Curry, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Newton (C), Page, Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Turnham, Venable, White, Williams and Zoghby.

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H. 20 RESUMED

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Petelos offered the following substitute to the substitute reported by the Standing Committee on Judiciary to the bill, H. 20:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-2 of the Code of Alabama 1975, is amended to read as follows:

"§13A-6-2.

"(a) A person commits the crime of murder if in any of the following instances:

"(1) With intent to cause the death of another person, he or she causes the death of that person or of another person;~~or.~~

"(2) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a ~~person other than himself~~ another person, and thereby causes the death of another person;~~or.~~

"(3) He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, or any other felony clearly dangerous to human life and, in the course of and in furtherance of the crime that he or she is committing or attempting to commit, or in immediate flight therefrom, he or she, or another participant if there be any, causes the death of any person.

"(4) He or she causes the death of a person while driving a vehicle or operating a watercraft in any of the following instances:

"a. When under the influence of alcohol or a controlled substance to a degree which renders the person legally intoxicated and incapable of safely driving a vehicle or operating a watercraft, and as a result of the influence is driving in a reckless and wanton manner.

"b. When under the combined influence of alcohol and a controlled substance to a degree which renders the person legally intoxicated and incapable of safely driving a vehicle or operating a watercraft, and as a result of the influence is driving in a reckless and wanton manner.

The words used in subdivision (4) shall have the same meaning as the words have in Section 32-5A-191. The term 'watercraft' as used in subdivision (4) shall mean any vessel or contrivance used or capable of being used for navigation or flotation upon water whether or not capable of self-propulsion.

"(b) A person does not commit murder under subdivisions (a)(1) or (a)(2) of this section if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.

"(c) Murder is a Class A felony; provided, that the punishment for murder or any offense committed under aggravated circumstances, ~~as provided by~~ pursuant to article 2 of chapter 5 of this title, is death or life imprisonment without parole, which punishment shall be determined and fixed as provided by article 2 of chapter 5 of this title or any amendments thereto.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Petelos was adopted.

Yeas 53; Nays 2.

Yea:

Mr. Speaker, Black (M), Burke, Butler, Carns, Collins, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Page, Parker (P), Payne, Penry, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Turner, Turnham, Venable, Walker, Warren, Williams and Zoghby.

-53

Nay:

Representatives Newton (D) and Perdue.

- 2

And the bill, H. 20, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Burke, Butler, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-68

Nay:

Representatives Clark (W), Holmes, Kennedy, Melton, Newton (D) and Perdue.

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 256, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (M), Box, Buskey, Cagle, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Hooper, Knight (A), Kvalheim, Laird, Letson, McDaniel, McKee, Millican, Morton, Page, Parker (P), Powell, Rich, Rockhold, Sanderford, Sanderson, Spratt, Turner, Turnham, Venable, Walker, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 256 INDEFINITELY POSTPONED

On motion of Representative Zoghby, the bill:

H. 256. To amend Section 10-2A-221(a), Code of Alabama 1975, relating to the authority of a foreign corporation to act as a fiduciary in Alabama; to permit a foreign corporation to act in certain fiduciary capacities without qualifying to do business in Alabama, provided that the foreign corporation's home state grants authority to an Alabama corporation to serve like fiduciary capacities; to add the terms "personal representative" and "conservator" to the list of types of fiduciaries; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 257, was adopted.

Yeas 57; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Box, Burke, Buskey, Cagle, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Hall (L), Hammett, Harper, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Rich, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-57

Nay:

Representative Holley.

- 1

And the bill:

H. 257. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, the State Insurance Fund, the State Employees' Retirement System, the Teachers' Retirement System, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

was taken up.

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, H. 257:

**A BILL
TO BE ENTITLED
AN ACT**

To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding any other provision of law, and in addition to any investments otherwise permissible for a governmental entity, a governmental entity may invest funds in the investments specified as permissible for county and municipal funds pursuant to Section 11-81-21. Such investments may be made directly by the governmental entity or through an account relationship established with a national or state chartered bank, savings and loan association, or trust company, having its principal place of business in the State of Alabama, and the account transactions shall be reported periodically as specified by the governmental entity. The provisions of Section 11-81-21 shall apply to governmental entities and to the funds of governmental entities to the extent applicable to counties and municipalities or the funds of counties or municipalities under such statute.

(b) "Governmental entity" as used in this section is defined as including the State of Alabama; any political subdivision of the state; any agency, board, commission, or department of the state; any county; any municipal corporation; any county board of education; any city board of education; any instrumentality of the foregoing; the state board of education, acting for the respective education institutions under its supervision; institutions of higher learning which by law are under the general supervision and control of a board of trustees; each public corporation that conducts one or more state educational institutions under its supervision; and any public corporation arising under or organized pursuant to any statute of the state.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby amended or repealed to the extent of such conflict as necessary to permit the full effectiveness of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Goodwin, Gullatt, Haney, Hawkins, Hill, Hogan, Holladay, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Payne, Perdue, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

-53

Nay:

Representative Holley.

- 1

And the bill:

H. 257. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Buskey, Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Goodwin, Gullatt, Hall (L), Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Payne, Penry, Perdue, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-63

Nay:

Representatives Holley, Johnson and Parker (P).

- 3

BUDGET ISOLATION RESOLUTION OFFERED

Representative Zoghby offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 262.

MOTION TO TEMPORARILY CARRY OVER OFFERED

Representative White offered the motion to carry over the bill, H. 262, and the pending Budget Isolation Resolution to the thirteenth legislative day.

SUBSTITUTE MOTION TO CARRY OVER LOST

The substitute motion offered by Representative Turner to carry over the bill, H. 262, and the pending Budget Isolation Resolution to the thirtieth legislative day was lost.

Yeas 26; Nays 39.

Yea:

Representatives Anderson, Biddle, Black (L), Cagle, Campbell, Carns, Carothers, Crow, Dolbare, Goodwin, Hall (A), Haynes, Higginbotham, Hogan, Holley, Holmes, Laird, Layson, Mathis, McClain, Payne, Rogers (J), Warren, White, Williams and Willis.

-26

Nay:

Mr. Speaker, Beasley, Black (M), Box, Burke, Clark (W), Collins, Gaston, Gullatt, Hammett, Harvey, Hawkins, Hill, Hilliard, Holladay, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, McDowell, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Penry, Perdue, Rich, Rockhold, Sanderford, Smith (C), Spratt, Venable, Walker and Zoghby.

-39

BUDGET ISOLATION RESOLUTION CARRIED OVER

The question was then on the motion offered by Representative White to carry over the bill, H. 262, and the pending Budget Isolation Resolution to the thirteenth legislative day, and the motion was adopted.

Yeas 47; Nays 19.

Yea:

Representatives Anderson, Biddle, Black (L), Black (M), Box, Bryant, Cagle, Carns, Carothers, Clark (W), Clay, Cullins, Dolbare, Gaines, Goodwin, Gullatt, Hall (A), Hammett, Haynes, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Mikell, Parker (P), Payne, Rogers (J), Sanderford, Sanderson, Smith (C), Turner, Venable, Walker, Warren, White and Williams.

-47

Nay:

Representatives Beasley, Burke, Freeman, Gaston, Harvey, Hawkins, Hill, Knight (A), Kvalheim, McDowell, Millican, Morrow, Newton (C), Penry, Perdue, Rich, Rockhold, Willis and Zoghby.

-19

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the Budget Isolation Resolution and the bill, H. 45, were temporarily carried over.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Powell intended to vote "Nay" on the passage of the bill, H. 149.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 46.

MOTION TO CARRY OVER TABLED

On motion of Representative Hooper, the motion offered by Representative Knight (J) to carry over the bill, H. 46, and the pending Budget Isolation Resolution to the fourteenth legislative day was tabled.

Yeas 42; Nays 6.

Yea:

Representatives Beasley, Black (M), Burke, Cagle, Carns, Crow, Curry, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Layson, Lindsey, McKee, Mikell, Morrow, Morton, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Venable, Walker, Warren, Willis and Zoghby.

-42

Nay:

Representatives Bryant, Hall (L), Holmes, Kennedy, Knight (J) and Page.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Hooper to the bill, H. 46, and the Budget Isolation Resolution was adopted.

Yeas 66; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Burke, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Johnson,

Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Newton (C), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Venable, Walker, Warren and Willis.

-66

Nay:

Representatives Bryant, Kennedy and Rogers (J).

- 3

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 257. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 257, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

was taken up.

AMENDMENT OFFERED

Representative Holmes offered the following amendment #1 to the bill, H. 46:

On page 4, on line 8, after the word "members" insert: , of whom five shall be black,

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

S.J.R. 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

Also:

S.J.R. 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

Also:

S.J.R. 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 42. COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 46 RESUMED

AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Holmes to the bill, H. 46, and on motion of Representative Hooper, the amendment #1 was tabled.

Yeas 26; Nays 22.

Yea:

Representatives Biddle, Carns, Clay, Curry, Hamilton, Haney, Hawkins, Hooper, Layson, Lindsey, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Penry, Petelos, Rich, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Warren and Williams.

-26

Nay:

Representatives Black (L), Black (M), Bryant, Buskey, Cagle, Clark (W), Hall (L), Hilliard, Holladay, Holmes, Kennedy, Knight (J), Mathis, McClain, McDowell, Melton, Newton (D), Page, Perdue, Rogers (J), Spratt and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Holmes offered the following amendment #2 to the bill, H. 46:

On page 4, on line 8, after the word "members" insert: , of whom four shall be black,

RESOLUTIONS

The following resolutions were introduced:

By Representative McDaniel:

H.J.R. 167. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Billy Rains of the Whiton community of Geraldine, Alabama, for extraordinary bravery in saving the life of another; and

WHEREAS, on August 18, 1993, Billy Rains was working on an oil platform 100 miles off the Louisiana Coast when the alarm sounded; a young crewman had been moving some grating when the material popped up, hitting him in the head and hurling him into the Gulf; and

12th Day

WHEREAS, Mr. Rains, seeing the man floating face down in a pool of blood, and realizing the urgency of the situation, reacted swiftly and without regard for his own personal safety, and dove 50 feet into the waters below; and

WHEREAS, driven to make every second count, he worked fervently, with the help of a fellow crewman, to pull the man to the safety of a boat landing; reaching this point of safety, they were then able to get the man to an area where he could be lifted by crane to a higher level of the platform and transported by helicopter to a Lafayette, Louisiana hospital; and

WHEREAS, as a result of Mr. Rains quick and decisive actions, the victim's prognosis for recovery is favorable, despite his critical injuries; and

WHEREAS, it is with great personal interest and pride that the Legislature has herein recorded the bravery displayed by Billy Rains, who is the son of our good friend and former longtime colleague, State Representative Euclid Rains of Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding heroism, we hereby most highly commend Billy Rains of Geraldine, Alabama, for whom a copy of this resolution of tribute shall be provided.

The resolution, H.J.R. 167, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sanderson:

H.J.R. 168. COMMENDING KENNETH FARMER, 1994 "CITIZEN OF THE YEAR," LEEDS, ALABAMA.

WHEREAS, the Alabama Legislature notes that Kenneth Farmer is the recent recipient of the Leeds Chamber of Commerce prestigious recognition as "1994 Citizen of the Year" and is only the fourth person to be so recognized; and

WHEREAS, the courageous military service of Kenneth Farmer in World War II in the United States Army Air Corps is legendary in the Leeds-Moody community, having survived the infamous Bataan Death March and as a Japanese Prisoner of War for over three years; and

WHEREAS, graduating with honors from Millsaps College in Jackson, Mississippi, Kenneth Farmer had a distinguished business career for 27 years and later for the City of Leeds for 10 years; and

WHEREAS, Kenneth Farmer has devoted countless hours, and his many talents and energy for the betterment of his local community in many education leadership positions, and in teaching special education classes at all three Leeds schools; he also holds membership and has served in executive leadership positions in many other civic clubs where he has served the disadvantaged, handicapped, emotionally disturbed, mentally challenged persons, and the aged with love and devotion, particularly through the Spice of Life program, the Leeds

and the Tri-County Civitan clubs, the district and international levels of Civitan International, and the Boy Scouts of America; and

WHEREAS, Kenneth Farmer has held many positions of leadership at the First United Methodist Church, taught Sunday School for 40 years and has been a choir member for 35 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in grateful acknowledgement of distinguished service to his country, community, church, and state, and as the 1994 Leeds Citizen of the Year, we hereby most highly commend Kenneth Farmer for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 168, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Rogers (J), the House adjourned until 11:00 o'clock a.m., Thursday, February 17, 1994.

Yeas 47; Nays 35.

Yea:

Representatives Anderson, Biddle, Black (L), Black (M), Buskey, Cagle, Campbell, Clark (W), Clay, Crow, Dolbare, Drake, Freeman, Goodwin, Hall (A), Hall (L), Haney, Haynes, Higginbotham, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (J), Laird, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Morrow, Newton (D), Page, Parker (T), Payne, Perdue, Poole, Rogers (J), Smith (R), Spratt, Turner, White, Williams and Willis.

-47

Nay:

Representatives Beasley, Burke, Butler, Carns, Carothers, Collins, Ford, Gaines, Gaston, Hamilton, Harvey, Hawkins, Hill, Holladay, Holley, Hooper, Knight (A), Kvalheim, Layson, McDaniel, McKee, Mikell, Newton (C), Parker (P), Penry, Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Venable, Walker and Warren.

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THIRTEENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 17, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend J. L. Simpson, Weeping Mary Baptist Church, Tuscaloosa, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kyle Middlebrooks, 9th Grade, North Sand Mountain School, Bryant, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the twelfth legislative day was approved.

MOTION IN WRITING FILED

Representative Powell filed the following Motion in Writing:

In accordance with House Rule 28 and having voted on the prevailing side by which H. 149 passed, I move to reconsider said vote.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 143. EXPRESSING DISAPPROVAL OF PROPOSALS PLACING THE ALABAMA STURGEON ON THE ENDANGERED SPECIES LISTING AND DESIGNATING CERTAIN ALABAMA WATERS AS A CRITICAL HABITAT FOR THE ALABAMA STURGEON.

On motion of Representative Dolbare, the resolution, H.J.R. 143, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 143:

Representatives Beasley, Biddle, Blakeney, Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Flowers, Ford, Fuller, Gullatt, Hamilton, Hammett, Hawkins, Hogan, Holmes, Johnson, Knight (J), Laird, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newton (D), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis, Zoghby and Lindsey.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 144. CONGRATULATING MRS. LUCY STEELE ON THE OCCASION OF HER 100TH BIRTHDAY.

On motion of Representative Carter, the resolution, H.J.R. 144, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 145. COMMENDING SUSAN HALL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 145, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 146. COMMENDING JEFFERY MALCOLM OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 146, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 147. COMMENDING PATRICK ELMS OF MADISON, ALABAMA, FOR OUTSTANDING HUMANITARIAN SERVICE.

On motion of Representative Carter, the resolution, H.J.R. 147, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 148. CONGRATULATING MAYOR JAMES P. NIX, SR., OF FAIRHOPE, ALABAMA, ON HIS APPOINTMENT TO THE BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF CITIES.

On motion of Representative Carter, the resolution, H.J.R. 148, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 149. MOURNING THE DEATH OF MR. WILLIAM C. LUCEY OF FAIRHOPE, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 149, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 150. COMMENDING HARRIETT RODGERS LILICH OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO EDUCATION.

On motion of Representative Carter, the resolution, H.J.R. 150, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 164. COMMENDING THE NORTH JACKSON HIGH SCHOOL CHIEFS ON THE 1993 STATE CLASS 4A FOOTBALL CHAMPIONSHIP.

On motion of Representative Carter, the resolution, H.J.R. 164, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 165. COMMENDING CHARLES OLIVER WHITE OF SYLACAUGA, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

On motion of Representative Carter, the resolution, H.J.R. 165, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

On motion of Representative Carter, the resolution, S.J.R. 44, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, S.J.R. 45, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 167. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

On motion of Representative Carter, the resolution, H.J.R. 167, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 168. COMMENDING KENNETH FARMER, 1994 "CITIZEN OF THE YEAR," LEEDS, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 168, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 44. (With Substitute): To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 65. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

H. 270. To permit members of the Teachers' Retirement System to purchase up to ten years of prior service credit for service rendered as a regular employee of Walker College, Inc., in Jasper, Alabama, prior to the merger of the school with the University of Alabama at Birmingham.

H. 275. To exempt the Sibyl Temple Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

H. 378. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

H. 478. To repeal Section 30-3-7 of the Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in cases involving divorce or divorce modification.

H. 534. To amend Section 40-23-4 of the Code of Alabama 1975, to provide further for certain sales tax exemptions.

H. 633. To reopen the Teachers' Retirement System of Alabama to allow active and contributing members of the system to purchase certain prior service credit for employment in a certain umbrella school of a city school system which was financed by the parents of the pupils attending the school; to provide for payment for the credit; and provide for a termination.

H. 647. To provide further for the effective date of Act No. 91-546, H. 596, 1991 Regular Session.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 580. (With Amendments): To establish the Deceptive Advertising and Trade Practices Act; to define and prohibit unlawful advertising and trade practices; to authorize the Attorney General and the district attorneys to prosecute violators both civilly and criminally; to provide penalties for violations and establish a statute of limitations; to authorize the Attorney General to promulgate rules and procedures for enforcing the act; and to repeal Sections 8-19-1 to 8-19-15, inclusive, Code of Alabama 1975.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 477. (With Substitute): To amend Section 37-2-84, Code of Alabama 1975, relating to the authority of the Department of Transportation to abandon or discontinue a state highway or a street on a state highway route crossing the tracks or right-of-way of a railroad; to further provide for the authority of the Department of Transportation to abandon, close, and discontinue a portion of any private, municipal, or county highway, street, or right-of-way crossing the tracks or right-of-way of any railroad when the crossing is dangerous, redundant, or it is in the interest of public safety that the crossing be closed.

H. 511. (With Substitute): To amend further Section 32-9-20, Code of Alabama 1975, as amended by Act No. 93-308, H. 768, 1993 Regular Session (Acts 1993, p. 459), relating to the schedule of restrictions imposed on motor vehicles traveling on state highways, to provide for a waiver of penalties for excessive weight when a wrecker or tow truck is required to remove a disabled motor vehicle from a highway to a repair shop.

Representative Gaston, Chairperson of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 606. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil and to provide an exemption for natural gas lawfully vented or flared in connection with the production of gas from the Conservation and Production Tax and the Privilege Tax.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 629. Relating to Randolph County; to authorize the board of health to designate the clinical services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

H. 632. Relating to Jackson County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

H. 645. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and having previously filed a Motion in Writing, Representative Powell offered the motion to reconsider the vote by which the bill, H. 149, was passed on the twelfth legislative day, and the motion to reconsider was adopted.

And the bill:

H. 149. To propose a constitutional amendment to further provide for the extension of the corporate limits of the City of Millbrook and the City of Prattville in Elmore County.

was again taken up.

H. 149 INDEFINITELY POSTPONED

On motion of Representative Powell, the bill, H. 149, was indefinitely postponed.

RESOLUTIONS

The following resolutions were introduced:

By Representative Butler:

H.J.R. 169. COMMENDING LIBERTY MIDDLE SCHOOL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, a source of great pride to the Alabama Legislature is the national ranking of Liberty Middle School, Madison, Alabama, in the 21st Knowledge Master Open academic competition; and

WHEREAS, the Liberty Middle School academic team, comprised of ten outstanding young students, scored 1,632 of a possible 2,000 points to achieve first place in Alabama, and 17th in the nation, by out-scoring 1,301 middle school teams from all 50 states and several countries; and

WHEREAS, the Liberty student team members, Bryant Cutler, Evan Doyle, Tom Fortune, John Hardiman, Jennifer Harris, Phillip Holt, Christy Horrocks, Paul Laskowski, Jill Mahler and Michael Siverd, spent many long hours preparing and practicing for the competition under Liberty's Academic Coach Liz Clark, and their high national ranking of 17th, among more than 1,300 participating teams, has brought great credit to themselves, their coach, their school and community; and

WHEREAS, the Knowledge Master Open contest, run on classroom computers, is designed to stimulate interest in academic accomplishment, and to recognize outstanding achievement by such fine young students as those from Liberty Middle School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Liz Clark and the 17th nationally-ranked academic team from Liberty Middle School in Madison, Alabama, and direct that copies of this resolution be provided to Liberty School Principal Dee Fowler for appropriate presentation and school display.

The resolution, H.J.R. 169, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Buskey, Clark (W) and Kennedy:

H.J.R. 170. COMMENDING CORPORAL WILLIE ALLEN ON THE OCCASION OF HIS RETIREMENT FROM THE MOBILE POLICE DEPARTMENT.

WHEREAS, on the occasion of his recent retirement, February 5, 1994, the Legislature of Alabama most highly commends and congratulates Corporal Willie Allen of Mobile, Alabama, whose outstanding career with the Mobile Police Department spanned a period of 35 years; and

WHEREAS, Willie Allen, when he joined the force in 1959, was assigned, as were all black officers, to patrol in black neighborhoods and, as only three patrol cars were made available to the department's black officers, they were required to walk their beats in the event one or more vehicles were out of service; and

WHEREAS, Corporal Allen, one of the first 12 black officers on the force, was a leader in helping to break such racial barriers as the unavailability of sufficient patrol cars, among other inequities and, as a result of the class-action discrimination suit he filed in the early sixties, compromises were made which would allow blacks to achieve higher ranks; and

WHEREAS, also through compromise, blacks were no longer assigned to patrol only in black areas, and the department's white officers were no longer assigned exclusively to white areas; and

WHEREAS, Corporal Willie Allen, as a pioneer in the movement to remove racial barriers existing in the Mobile Police Department, is indeed deserving of highest praise, and it is in sincere tribute that we applaud his on-going efforts of the past 35 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Willie Allen on his distinguished law enforcement career, and do further direct that he receive a copy of this resolution with best wishes for every continuing success in retirement.

The resolution, H.J.R. 170, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Crow, Willis and Campbell:

H.J.R. 171. COMMENDING OXFORD HIGH SCHOOL ON THE 1993 STATE CLASS 5A FOOTBALL CHAMPIONSHIP.

WHEREAS, in a continuation of outstanding achievement, the Oxford High School Yellow Jackets captured the 1993 State Class 5A Football Championship, the school's third State Football Title in six years--1988, 1989 and 1993--under Head Coach Robert Herring; and

WHEREAS, it was also the Yellow Jackets' ninth consecutive year of participation in the state playoffs, and a spectacular season in which Oxford High School won not only the 1993 State Crown, but were the Area 11, Region 6, and North Alabama Champions as well, and posted a 14-0 record, including their 35-12 victory over Greenville in the title game; and

WHEREAS, under Coach Herring's leadership since he took over the OHS football program in 1985, the Varsity Yellow Jackets have become a powerhouse in Class 5A, and the teams have enjoyed the full support of the student body, the Oxford High School Band, the Varsity Cheerleaders, and countless other fans; and

WHEREAS, the Oxford High School football team, Coach Herring, and his entire staff, are indeed deserving of highest praise on their phenomenal 1993 season, and it is with great pleasure that the Legislature acknowledges their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oxford High School Yellow Jackets on their 1993 State 5A Football Championship, and do further direct that Mr. Louis L. Higgins, Principal, be provided with copies of this resolution for appropriate presentation and school display.

The resolution, H.J.R. 171, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Bowling, Fuller, Blakeney, Powell, McMillan, Morrow, Dolbare, Walker, McKee, Laird, Johnson, Beasley, Carothers, Kennedy, Holmes, Smith (R), Payne, Smith (C) and Cullins:

H.R. 172. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S.B. 75

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S.B. 75, a copy of which is attached to this resolution and made a part hereof by reference:

Section 9 of S.B. 75 adds a Chapter 3B to Title 16 of the Code of Alabama 1975, entitled "Alabama Commission on School Performance and Accountability" (ACSPA). Section 16-3B-1 of that chapter states the ACSPA has the primary authority for developing the policy framework for school reform. Does Section 16-3B-1 violate Amendment 284 of the Constitution of Alabama of 1901, relating to the general supervisory authority of the State Board of Education over the public schools of the state?

RESOLVED FURTHER, That the Clerk of the House is directed to send sufficient true copies of the pending bill, S.B. 75, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court upon adoption of this resolution.

The resolution, H.R. 172, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchem:

S.J.R. 46. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 46, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 603, was adopted.

Yeas 36; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Carter, Clay, Collins, Crow, Flowers, Ford, Freeman, Gaston, Gullatt, Hall (A), Hammett, Harper, Harvey, Hill, Johnson, Kennedy, Knight (A), Kvalheim, Letson, McMillan, Millican, Morton, Newton (D), Page, Parker (P), Perdue, Poole, Rockhold, Smith (C), Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 603. Relating to Mobile County; amending Section 1 of Act 91-500, H. 1002, 1991 Regular Session, providing for additional compensation to members of the boards of directors of certain public utility authorities to provide for an increase in compensation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Bryant, Carter, Collins, Crow, Flowers, Freeman, Gaston, Hall (A), Hammett, Harper, Hill, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Letson, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Perdue, Poole, Rockhold, Spratt, Turnham, Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 306, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bryant, Carns, Carter, Clay, Collins, Curry, Freeman, Gullatt, Hall (A), Hammett, Hill, Holladay, Johnson, Knight (A), Letson, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 306. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial court; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Bryant, Carns, Carter, Clay, Collins, Curry, Flowers, Ford, Freeman, Hall (A), Hammett, Harvey, Hill, Holladay, Johnson, Knight (A), Letson, Lindsey, McClain, McDowell, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Rogers (J), Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 461, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gullatt, Hall (A), Hammett, Hill, Holladay, Knight (A), Letson, Lindsey, McClain, McDowell, Melton, Mikell, Millican, Morrow, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 461. Relating to Jefferson County; authorizing the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by subsection (e) of Section 13 of Act No. 497, H. 1057, 1965 Regular Session (Acts 1965, p. 717), as amended by Act No. 81-1060, H. 9, 1981 Second Special Session (Act 1981, p. 305), a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System; repealing Act No. 93-927, H. 52, First Special Session (Acts 1993, p. ____).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Hall (A), Hammett, Hill, Holladay, Knight (A), Letson, Lindsey, McClain, McDowell, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Rogers (J), Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Millican, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 250.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 250, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall (A), Hammett, Harper, Harvey, Hill, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, McClain, McKee, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Perdue, Rockhold, Rogers (J), Spratt, Thomas, Turner, Turnham, Venable, Warren and Willis.

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And the bill:

H. 250. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Marion County Board of Registrars.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Hall (A), Hammett, Harvey, Hawkins, Hill, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, McClain, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Rockhold, Rogers (J), Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Venable, Warren and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holladay, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 29.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holladay, the Budget Isolation Resolution relating to the bill, H. 29, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Box, Bryant, Buskey, Carns, Carter, Clay, Collins, Cullins, Curry, Flowers, Freeman, Gaston, Gullatt, Hall (A), Hammett, Hawkins, Hill, Holladay, Johnson, Kennedy, Kvalheim, Letson, McClain, McDowell, McKee, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Rockhold, Rogers (J), Turnham, Venable and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 29. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Campbell, Carns, Carter, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaston, Hall (A), Hammett, Hawkins, Hill, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Letson, Lindsey, McClain, McDowell, McKee, Melton, Mikell, Morrow, Morton, Page, Parker (P), Payne, Petelos, Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 611.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 611, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Haney, Harper, Hawkins, Hill, Hogan, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable and Willis.

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And the bill:

H. 611. (With Substitute): To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-21-265 of the Code of Alabama 1975, is amended to read as follows:

"§22-21-265.

"(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct, or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless ~~such the~~ person shall first obtain from the SHPDA a certificate of need therefor; ~~provided, however, all other provisions of this article to the contrary notwithstanding, Notwithstanding any provisions of this article to the contrary,~~ those facilities and distinct units operated by the department of mental health and mental retardation, and those facilities and distinct units operating under contract or subcontract with the department of mental health and mental retardation where the contract constitutes the primary source of income to the facility, shall not be required to obtain a certificate of need under this article.

"(b) Notwithstanding all other provisions of this article to the contrary, the replacement of equipment by health care facilities shall be exempt from certificate of need review, provided:

"(1) ~~Such~~ The replacement does not change the purpose, use, or application of the equipment;

"(2) The existing equipment is taken out of service;

"(3) The replacement equipment does not enable the health care facility to expand its health services; and

"(4) The replacement equipment does not enable the health care facility to provide any health services not previously provided on a regular basis.

~~"Determination~~ A determination of whether the acquisition of equipment is exempt from review under this section shall be made by the executive director of the SHPDA upon the filing of an application requesting ~~such the~~ determination, on the form or forms prescribed by the CON review board, together with a fee in the amount of 10 percent of the fee provided in section 22-21-271. If it is determined that the replacement is not reviewable pursuant to this section, the applicant shall be notified in writing that no certificate of need is required. The SHPDA shall define an appeals process.

"Any provision in this article to the contrary notwithstanding, no rural hospital shall be required to submit an application fee when filing a request for determination under this section.

"(c) The SHPDA shall, by December 31, 1990, conduct a survey to inventory the number of inpatient rehabilitation beds, inpatient psychiatric beds, and inpatient/residential alcohol and drug abuse beds in the state, as of April 18,

1990. Prior to the survey, the SHPDA shall inform all providers of its intention to inventory ~~such~~ the beds. Only those beds in which the SHPDA has determined that the aforementioned specialized services have been offered on a regular basis during the 12 months prior to April 18, 1990, and which are located in either a freestanding health care facility which provides ~~such~~ the service exclusively, or in a distinct unit within a health care facility, shall be included in the inpatient psychiatric, inpatient rehabilitation, and inpatient/residential alcohol and drug abuse inventories. No other beds shall be so included until the SHPDA officially updates each inventory.

"In determining whether services have been 'offered on a regular basis' in a distinct unit within a health care facility, the SHPDA shall consider all of the following:

"(1) Evidence of actual utilization of the specialized unit during the 12 months prior to April 18, 1990.

"(2) Evidence that the specialized unit has been allocated specific and unique space within the facility.

"(3) Evidence that specialized staff or other resources have been allocated to the unit.

"(d) The SHPDA shall, by April 1, 1991, amend the Alabama state health plan to include separate bed need methodologies for inpatient psychiatric services, inpatient rehabilitation services, and inpatient/residential alcohol and drug abuse services, based upon the inventories set forth in subsection (c) above. The SHPDA shall utilize these methodologies in considering all certificate of need applications filed following this date.

"(e) Notwithstanding all other provisions of this article to the contrary, the increase in the number of nursing home beds of a health care facility licensed pursuant to Section 22-21-260(5) as a skilled nursing care facility or an intermediate care facility, but excluding an increase in the bed capacity of an intermediate care facility designated as an ICF-MR by the State Board of Health and operated by the State Department of Mental Health and Mental Retardation which facilities shall be governed by the other provisions of this article, shall be exempt from certificate of need review, provided:

"(1) The increase does not exceed 10 percent of the total skilled nursing beds of the facility, rounded to the nearest whole number, or 10 beds, whichever is greater.

"(2) The average rate of occupancy of the facility's nursing home beds of the facility is not less than 95 percent for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from the certificate of need review.

"(3) The aggregate average rate of occupancy for all other skilled nursing facilities and intermediate nursing facilities in the same county as the requesting facility's is not less than 95 percent for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from certificate of need review.

"(4) The increase does not require capital expenditures exceeding the capital expenditure thresholds prescribed in Section 22-21-263(a)(2).

"(5) The facility has not been granted an increase of beds under this exemption within the immediately preceding 24-month period.

"In calculating the average occupancy for the facility under subdivision (2) of this subsection and for all other skilled and intermediate nursing facilities in the same county under subdivision (3) of this subsection, beds previously granted to the facility, and to other skilled or intermediate nursing facilities in the same county as the requesting facility, pursuant to a certificate of need or to this exemption shall be deemed built and available for occupancy as of the date granted regardless of when the beds were placed in service. SHPDA shall promulgate regulations to determine how occupancy shall be calculated for the purpose of this subsection, taking into account certain factors such as, but without limitation, disregarding beds that have not been available for use for the three (3) years next preceding the period for which occupancy is being measured.

"(6) Any exemption to add beds without a certificate of need shall expire and be deemed null and void unless the beds are placed in service not less than 18 12 months after the date the exemption is granted. Notwithstanding the foregoing, SHPDA may promulgate rules permitting the executive director of SHPDA to grant one extension for six not to exceed twelve months upon a showing of substantial progress.

"Determination of whether the increase in beds is exempt from review under this section shall be made by the Executive Director of SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in an amount to be determined by the review board, but not to exceed one tenth of one percent of the cost of the proposed bed increase in accordance with section 22-21-271(a). The SHPDA shall promulgate rules affording an applicant pursuant to this subsection a right to appeal adverse rulings.

"Applications pursuant to this section for exemption from certificate of need review for an increase in bed capacity shall be made only during the 90-day period beginning January 1 through March 31 of each year."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 611, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 611:

Representatives Anderson, Biddle, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Haney, Harper, Harvey, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Warren, White, Williams, Willis and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Layson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 82.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 82, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 82. (With Amendment): Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

was taken up.

SUBSTITUTE OFFERED

Representative Layson offered the following substitute to the bill, H. 82, and to the pending amendment reported by the Standing Committee on Business and Labor:

**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

"Amendment No. 443

~~"The state of Alabama, through the Alabama state docks department, is authorized may to convey, without consideration, title to its real property, equipment, and facilities located in Lauderdale county, Alabama, and known as the Alabama state docks to the Florence-Lauderdale county port authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded, and repealed to the extent they are in conflict with this amendment.~~

~~"The state of Alabama, through the Alabama state docks department, is authorized to may convey, with consideration at a price to be established by the director of the Alabama state docks department and his or her appraisers, title to its real property, equipment, and facilities located in Morgan county, Alabama, and known as the Alabama state docks to the Decatur-Morgan county port authority, a public corporation, and in Walker county, Alabama, known as the state docks in Cordova in Walker county to the Walker county commission, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded, and repealed to the extent they are in conflict with this amendment.~~

"The State of Alabama, through the Alabama State Docks Department, shall convey title to a portion of its real property, equipment, and facilities located in Tuscaloosa County, Alabama, as hereinafter described, located on the Black Warrior River, to the Northport Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

"The tract of land transferred is a tract of land in Tuscaloosa County, State of Alabama, on the North side of the Black Warrior River in Sections 20 and 21, Township 21 South, Range 10 West, and more particularly described as follows:

"Starting at the Northwest corner of Section 21, said corner being marked by a concrete marker; thence Southwardly with an interior angle of 93 degrees and 40 minutes with the accepted North line of the said Section 21 for a distance of 1,260.00 feet to the Point of Beginning; thence continue Southwardly along the same line for a distance of 600.00 feet; thence North 78 degrees 51 minutes East for a distance of 565.79 feet, more or less, to a monument stamped "WB-3-2"; thence North 71 degrees 38 minutes East for a distance of 1,446.10 feet, more or less, to an aluminum monument stamped "WB-3-3"; thence North 59 degrees 05 minutes East, for a distance of 415.20 feet, more or less, to a concrete monument stamped "DT-2"; thence North 71 degrees 12 minutes East, for a distance of 500.00 feet, more or less, to a concrete monument; thence South 86 degrees 40 minutes East, and along the North line of U.S. Government Lock and Dam Property, for a distance of 690 feet, more or less; thence North 00 degrees 00 minutes East, for a distance of 350 feet, more or less, to a creek; thence follow said creek in a northeasterly direction for a distance of 1,365 feet, more or less, to the center line of a slough; thence northwardly along the meandering of the center of said slough for a distance of 130 feet, more or less, to a point on the accepted North line of said Section 21; thence westwardly for a distance of 540.00 feet, more or less, to a point, said point being the accepted Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 21 and marked by a stone; thence North 90 degrees 00 minutes West, along the North line of Section 21, for a distance of 1400.93 feet, more or less, to a point on the west right-of-way of Oliver Dam Road; thence South 16 degrees 20 minutes West, along the West right-of-way of Oliver Dam Road, for a distance of 626.00 feet, more or less; thence South 74 degrees 50 minutes West, for a distance of 2580.90 feet, more or less; to the Point of Beginning. Said parcel containing 52.44 acres, more or less.

"The City of Northport, Alabama shall provide, in consideration of the conveyance of the real property referenced above, an alternate appropriate right of way for ingress and egress to the inland dock located in Tuscaloosa County and operated as the Alabama State Docks Inland Dock. The appropriate alternative right-of-way shall be provided within a three year period from the date of the conveyance herein. Should the City of Northport fail to provide the right-of-way within the time referenced above, the property previously conveyed shall revert back to Alabama State Docks, unencumbered, and together with all improvements thereon.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 82, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan,

Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Zoghby intended to vote "Yea" on passage of the bill, H. 82.

RECESS

On motion of Representative Turnham, the House recessed until 1:20 o'clock p.m.

JOINT SESSION

The hour of 1:20 o'clock p.m. having arrived and pursuant to the resolution, H.J.R. 37, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing addresses by Auburn University Head Coach Terry Bowden and Florida State University Coach Bobby Bowden.

The Joint Session was called to order by the Honorable Ryan deGraffenried, Presiding Officer of the Senate.

Coach Terry Bowden was escorted to the Chair and was introduced by Representative Turnham. Thereupon Coach Bowden delivered his address to the Legislature of Alabama.

Coach Bobby Bowden was escorted to the Chair and was introduced by Representative Morton. Thereupon Coach Bowden delivered his address to the Legislature of Alabama.

The Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hawkins:

H. 653. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in adoption proceedings.

COMMITTEE ON JUDICIARY

By Representative Holladay:

H. 654. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 655. To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Morrow:

H. 656. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Richardson:

H. 657. Relating to the Teachers' Retirement System; opening the system for purchase of credit for certain prior service rendered in private schools in the state by certain active members; providing for the manner of payment of the cost of the prior service credit and providing for the expiration of the reopening period.

COMMITTEE ON WAYS AND MEANS

By Representatives White, Hall (A), Turner, Ford, Hogan, Warren, Biddle, Sanderson, Richardson, and Freeman:

H. 658. To amend Section 32-8-3, Code of Alabama 1975, to provide for the refund of motor vehicle title fees which have been erroneously paid to the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Clark (J):

H. 659. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson:

H. 660. To provide additional collection mechanisms of third party benefits by the Alabama Medicaid Agency; create a lien; provide for perfection and attachment; and repeal Section 22-6-6, Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representatives McMillan, Turner, Johnson, Beasley, Mathis, Gaines, and Petelos:

H. 661. To propose an amendment to the Constitution of Alabama of 1901, providing that no tax increase law enacted by the Legislature after the ratification of this amendment shall become effective except upon the approval of a majority of the qualified electors of the state at a special election held with respect to the law; providing for the special election; defining the term tax increase law; providing for the effect of this amendment in relation to certain other provisions of the constitution; providing that the provisions of this proposed amendment are and shall be self-executing, except that the Legislature shall have the power to pass certain laws in furtherance of the provisions of this amendment.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Black (L):

H. 662. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Ford:

H. 663. To provide that the state allocation to each two-year postsecondary educational institution in any fiscal year, beginning with the fiscal year ending September 30, 1995, shall not be less than 80 percent of the average for peer institutions in the Southern Regional Education Board states; and to provide that it is the intent of the Legislature that sufficient funds to achieve this level of funding for each two-year postsecondary educational institution are annually appropriated from the Alabama Special Educational Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Cosby, Sanderson, Morton, Gaston, Hall (A), Hooper, McMillan, Curry, Petelos, Knight (A), Hawkins, Smith (R), McDaniel, Parker (T), Fuller, Rockhold, Gaines, Burke, Williams, White, Campbell, and Box:

H. 664. To require election officials to check if the voting applicant voted by absentee ballot; to require some form of identification for voting purposes; to prohibit persons from presenting false identification, voting where not qualified, or voting more than once; and to provide for criminal penalties for election officials and other persons violating this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Dolbare:

H. 665. To provide for joint physical and legal custody of minor children in a legal separation or divorce.

COMMITTEE ON JUDICIARY

By Representatives McMillan and Penry:

H. 666. To provide for the regulation of certain wastewater treatment utilities by the Public Service Commission; to provide for inspection and supervision fees relating to the regulation; and to provide penalties for violations of this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Harper:

H. 667. To make appropriations to certain public institutions of higher education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 668. To make appropriations to certain public libraries from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 669. To make appropriations to certain public schools from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 670. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, so as to expand definitions; to authorize the registration of charitable organizations, nonprofit organizations, professional fund raisers, professional solicitors, and professional fund raising consultants with the Attorney General and require a registration fee and bond for certain organizations, persons, or entities; to provide for the filing by charitable organizations and professional fund raisers, professional solicitors, and professional fund raising consultants of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or professional fund raising consultants; to designate the Secretary of State as agent for service of process for nonresident charitable organizations, professional fund raisers, professional solicitors, and professional fund raising consultants; to clarify the civil remedies available to the Attorney General, the district attorney, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy; to repeal Sections 13A-9-73, 13A-9-74, and 13A-9-75, Code of Alabama 1975; to provide that a violation of this act will be a violation of the Deceptive Trade Practices Act; and to impose further criminal penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Walker, Cullins, Thomas, Mikell, Haynes, Mathis, Holmes, Hooper, Kvalheim, Gaston, Penry, McMillan, Buskey, Campbell, McDowell, Rogers (J), Hilliard, Spratt, Bowling, Melton, Smith (C), Morrow, Dolbare, Morton, Layson, Butler, Knight (A), Beasley, Newton (C), Holladay, Holley, Venable, Hammett, Zoghby, Gullatt, Rockhold, Carothers, Carter, Harper, Haney, Kennedy, Starkey, Letson, and Perdue:

H. 671. To authorize the Department of Corrections to contract or enter into agreements with private industry to establish effective work-oriented rehabilitation programs in an actual private enterprise work environment.

COMMITTEE ON STATE ADMINISTRATION

By Representative Harper:

H. 672. To amend Section 34-8-28, Code of Alabama 1975, to provide further for the distribution of certain licensing fees imposed on general contractors.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 673. To provide a supplemental appropriation to the Office of the Attorney General in the amount of \$50,000 from the Attorney General's Litigation Support Fund and \$1,850,000 from the Attorney General's Special Revenue Fund for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Perdue, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 17.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Perdue, the Budget Isolation Resolution relating to the bill, H. 17, was adopted.

Yeas 42; Nays 4.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey, Carothers, Clark (W), Clay, Collins, Dolbare, Freeman, Gaston, Goodwin, Hall (A), Hammett, Harper, Hilliard, Holmes, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, Mikell, Millican, Morrow, Newton (C), Newton (D), Perdue, Powell, Rogers (J), Sanderford, Smith (R), Spratt, Thomas, Turner and Venable.

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Nay:

Representatives Curry, Holley, Johnson and Payne.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 17. (With Substitute): To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, 41-16-54, and 41-16-21 Code of Alabama 1975, to increase the amounts of public contracts subject to the state's competitive bid laws.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, are amended to read as follows:

"39-1-1.

"(a) Any person, firm, or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction, or prosecution of any public buildings or public work, highways, or bridges shall ~~be required~~, before commencing such the work, ~~to execute a performance bond, with penalty equal to 100 percent of the amount of the contract price, and, in .~~ In addition thereto, another bond ~~with good and sufficient surety~~, payable to the state, county, or municipal corporation or subdivision letting the contract, ~~shall be executed~~ in an amount not less than 50 percent of the contract price, with the obligation that ~~such the~~ contractor or contractors shall promptly make payments to all persons supplying ~~him or them~~ with labor, materials, or supplies for or in the prosecution of the work provided ~~for in such the~~ contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on ~~said the~~ bond.

"(b) Any person, firm, or corporation that has furnished labor, materials, or supplies for or in the prosecution or repair of any public building or public work, highways, or bridges and payment ~~on which~~ has not been made ~~shall be authorized to may~~ institute a civil action upon said the bond in ~~his or their name or names~~ and ~~to have their rights and claims adjudicated in such a civil action and judgment entered thereon; provided, that no .~~ Notwithstanding the foregoing, a civil action shall not be instituted on said the bond until after 45 days after written notice to the surety ~~thereon~~ of the amount claimed to be due and ~~of the nature of the claim.~~ Such The civil action shall be commenced not later than one year from the date of final settlement of said the contract. The giving of ~~said~~ notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay ~~such the~~ claim in full within 45 days from the mailing of ~~such the~~ notice, then ~~such the~~ person or persons ~~shall be entitled to may~~ recover ~~of from~~ the contractor and surety, in addition to the amount of said the claim, a reasonable attorney's fee, together with interest on ~~such the~~ claim from the date of ~~such the~~ notice.

"Every person or persons having a right of action on said the last described bond as provided in this section shall, upon written application to the authority under the direction of whom ~~such the~~ work has been prosecuted, ~~setting out that indicating what labor, material, foodstuffs, or supplies for such the work that have been supplied by him or them~~ and that payment ~~therefor~~ has not been made, will be promptly furnished a certified copy of said the additional bond and contract. Such The claimant shall ~~be authorized to may~~ bring a civil action on said the bond in the county in which the work ~~provided for in said contract~~ is to be performed or in any county where the contractor or his surety does business, for ~~his or their the~~ use and benefit against said the contractor and his the surety, or either of them.

"In addition to any other legal mode of service, service of summons, and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract be is a state highway contract, or with the executive officer of the city, town, board, commission, or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that ~~such~~ the service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission, or authority, ~~it shall be the duty of such~~ the director or executive officer ~~to shall~~ immediately mail a copy of ~~such~~ the process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of a bond to secure contracts of in an amount less than \$5,000.00 twenty thousand dollars (\$20,000) in amount.

"(d) The contractor shall, immediately after the completion of the contract, give notice of ~~said~~ the completion by an advertisement in ~~some~~ a newspaper of general circulation published within the city or county ~~wherein~~ in which the work has been done, for a period of four successive weeks. ~~In no instance shall a . A~~ final settlement shall ~~not~~ be made upon the contract until the expiration of 30 days after the completion of ~~same~~ the notice. Proof of publication of ~~said~~ the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county ~~where~~ in which the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the ~~probate judge of probate, or sheriff,~~ and the contractor.

"~~Provided, however, that the requirements of this~~ This subsection shall not apply to contractors performing contracts of less than ~~\$10,000.00~~ twenty thousand dollars (\$20,000) in amount and the . The governing body of the contracting agency, ~~so as to expedite final payment,~~ shall cause notice of final completion of ~~such~~ the contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency, ~~if any,~~ and shall post notice of final completion on the agency's bulletin board for one week, and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with ~~such~~ the contractor may be made at any time after the notice shall ~~have~~ has been posted for one entire week."

"39-2-2.

"Before entering into any contract for a public improvement involving an amount in excess of ~~\$2,000.00~~, twenty thousand dollars (\$20,000), the awarding authority shall advertise for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or undertaking, or some part thereof, is to be made. The awarding authority may also advertise in ~~such~~ other publications as it may deem advisable. ~~Such~~ The advertisements shall state that plans and specifications for the improvement are on file in the office of the authority and shall state the time and place in which bids will be received and opened. All bids shall be opened publicly at the advertised time and place. No public improvement as defined in this chapter involving a sum in excess of ~~\$2,000.00~~ twenty thousand dollars (\$20,000) shall be split into parts involving sums of ~~\$2,000.00~~ twenty thousand dollars (\$20,000) or less for the purpose of evading the requirements of this section.

"An awarding authority may ~~in its discretion~~ let contracts for public improvements involving ~~\$2,000.00~~ twenty thousand dollars (\$20,000) or less with or without advertising or sealed bids.

"All contracts for the construction, repair, renovation, or maintenance of public improvements entered into in violation of this section shall be null, void, and violative of public policy; provided, however, that all contracts for the construction, repair, renovation, or maintenance of public buildings entered into in violation of this section shall also be null, void, and violative of public policy ~~and anyone~~ . Anyone who violates ~~the provisions of~~ this article concerning public buildings shall be guilty of a Class C felony."

"41-16-20.

"All contracts of whatever nature for labor, ~~services~~, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500.00) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder."

"41-16-24.

(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) by posting notice thereof on a bulletin board maintained outside ~~his~~ the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery county, Alabama, or in any other manner, ~~and for such lengths of time as he the purchasing agent may determine; provided, however, that the~~ . The purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama

persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for ~~such the~~ particular items ~~as are~~ set forth in ~~such the~~ request and ~~such the~~ other persons, firms, or corporations the purchasing agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three ~~such~~ solicitations, ~~such the~~ listing may be cancelled by the purchasing agent, ~~at his discretion.~~

"(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a the permanent file or records and shall be open to public inspection.

"(c) If the purchase or contract will involve an amount of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) or less, the purchasing agent may make ~~such the~~ purchases or contracts either upon the basis of sealed bids or in the open market, ~~in his discretion.~~

"(d) No purchase or contract involving an amount in excess of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) shall be divided into parts involving amounts of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) or less shall be void."

"41-16-50.

"(a) All expenditure of funds of whatever nature for labor, services, ~~or~~ work, or for the purchase of materials, equipment, supplies, or other personal property involving ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) or more, and ~~also the~~ lease of materials, equipment, supplies, or other personal property where the lessee is or becomes legally and contractually bound under the terms of the lease, to pay a total amount of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; ~~provided, that in~~ . In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the

municipality, where the municipality or an instrumentality thereof is the awarding authority, ~~which such~~ and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to ~~such~~ the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

"(b) The governing bodies of two or more contracting agencies, as ~~herein-
above~~ enumerated in subsection (a) within the same county or adjoining counties, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. ~~Such~~ The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and ~~of the~~ awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any ~~such~~ agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and ~~such the~~ agent shall have the responsibility to comply with the ~~provisions of this article. It is provided further that~~ purchases Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all ~~of the~~ terms and conditions of this article.

"(c) ~~It is further provided that all~~ All bidders ~~must shall~~ furnish a bid bond on any contract exceeding ten thousand dollars (\$10,000); ~~provided, that bonding is available for such the~~ services, equipment or materials."

"41-16-54.

(a) All proposed purchases in excess of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7500) shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for ~~such any~~ lengths of time as may be determined; ~~provided, however, that sealed~~ . Sealed bids shall also be solicited by sending notice by mail to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for ~~such the~~ particular items as that are set forth in ~~such the~~ request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three ~~such~~ solicitations, ~~such the~~ listing may be cancelled.

"(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a the permanent file or records and shall be open to public inspection.

"(c) If the purchase or contract will involve an amount of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7500) or less, the purchases or contracts may be made upon the basis of sealed bids or in the open market.

"(d) No purchase or contract involving an amount in excess of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7500) shall be divided into parts involving amounts of ~~\$5,000.00~~ seven thousand five hundred dollars (\$7500) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~\$5,000.00~~ seven thousand five hundred dollars (\$7500) or less shall be void."

"§41-16-21

"(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the state bureau of tourism and travel authorized under section 41-7-4 or advertising of the state parks by the department of conservation and natural resources; purchases of alcoholic beverages only by the alcoholic beverage control board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds at the time of passage of this act, operated by any state department, except the department of mental health and mental retardation, board, bureau, commission, committee, institution, upon approval of the governing board of ~~said~~ the institution, corporation, authority or office; purchases by the state highway department of local materials from any property owners in the vicinity of a project on which ~~such~~ the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the state highway department; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the department of corrections; and purchases,

contracts, or repairs by the state docks department when it is deemed by the director of state docks and the secretary-treasurer of the state docks department that ~~such the~~ purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce; ~~provided, that the~~ . The director of state docks and the secretary-treasurer of the state docks department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in ~~said that particular~~ instance, and ~~such the~~ sworn statement shall be open to public inspection. A copy of ~~such the~~ sworn statement shall be furnished forthwith to the chief examiner of public accounts.

"(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the state docks department shall be exempt from ~~the provisions of~~ this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the department of finance, division of purchases and stores; ~~provided, however, that the said~~ . The educational and eleemosynary institutions, the state docks department, and the other state agencies exempted from ~~the provisions of~~ this article ~~or any part hereof~~ shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving ~~\$2,000.00~~ seven thousand five hundred dollars (\$7500) or more. The ~~said~~ institutions, departments, and agencies shall establish and maintain ~~such~~ purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each ~~such~~ institution, department, or agency.

"(c) Contracts entered into in violation of this article shall be void.

"(d) Nothing in this section shall be construed as repealing sections 9-2-106 and 9-2-107."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Freeman,

Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hilliard, Hogan, Holmes, Kennedy, Knight (J), Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Powell, Richardson, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Thomas, Venable, Walker and Willis.

-58

And the bill:

H. 17. To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, 41-16-54, and 41-16-21 Code of Alabama 1975, to increase the amounts of public contracts subject to the state's competitive bid laws.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 60; Nays 7.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carothers, Clark (W), Clay, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hilliard, Hogan, Holmes, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, Mikell, Millican, Morrow, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Thomas, Venable and Willis.

-60

Nay:

Representatives Curry, Holley, Johnson, McKee, Payne, Poole and Sanderson.

- 7

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carothers, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 341.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 341, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Fuller, Gaines, Gaston, Goodwin, Hall (L), Hammett, Haney, Harper, Hawkins, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Venable, White, Williams, Willis and Zoghby.

-73

And the bill:

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Venable, Walker, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 341:

Representatives Biddle, Box, Bryant, Butler, Clark (J), Clay, Collins, Curry, Flowers, Gaines, Gaston, Goodwin, Hammett, Haney, Hill, Hilliard, Knight (A), Kvalheim, Letson, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Page, Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Smith (C), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 268.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith (C), the Budget Isolation Resolution relating to the bill, H. 268, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Gaston, Goodwin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-69

S. 282 SUBSTITUTED FOR H. 268

On motion of Representative Smith (C), the bill, S. 282, was substituted for the bill, H. 268.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith (C), the Budget Isolation Resolution relating to the bill, S. 282, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

-65

And the bill:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of live-stock for specified purposes.

was taken up.

SUBSTITUTE OFFERED

Representative Smith (C) offered the following substitute to the bill, S. 282:

**A BILL
TO BE ENTITLED
AN ACT**

To amend the definition of livestock as it is found in §§2-15-150, 2-15-20, 2-15-40, 2-15-43, 2-15-60, 2-15-131, and 2-15-118

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. To amend §2-15-150 to read as follows:

"§2-15-150.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

(2) COMMISSIONER. The commissioner of the department of agriculture and industries of the state of Alabama.

(3) DISEASE OR DISEASE OF ANIMALS. ~~Foot and mouth disease, rinderpest contagious, pleuropneumonitis, and other~~ contagious, communicable or infectious diseases of cattle, sheep, swine, goats and poultry animals.

(4) MATERIALS. Infected barns or other infected structures or parts thereof and farm products, clothing, straw, hay or other feed for animals and other articles stored or contained in or adjacent to such barns or other structures.

(5) LIVESTOCK. Any animal maintained in captivity for any reason."

Section 2. To amend §2-15-20 to read as follows:

"§2-15-20.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) COMMISSIONER. The commissioner of agriculture and industries of the state of Alabama.

(2) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

(3) BOARD. The state board of agriculture and industries of the state of Alabama.

(4) BRAND. Any recorded identification mark applied to any position on the hide of livestock by means of heat, acid or a chemical, except numbers used to keep production records or record of age. The word "brand" shall also mean and include tattoo marks on the hide or in the ear of livestock.

(5) LIVESTOCK. Cattle, swine and horses, sheep, goats, equidae, ratites and poultry.

(6) PERSON. Any individual, partnership, corporation or association.

(7) LIVESTOCK MARKET. A place where a person assembles livestock for public sale, if such person is required to procure a license or permit from the state department of agriculture and industries to operate such market.

(8) LIVESTOCK HIDE DEALER. Any dealer who buys hides of livestock."

Section 3. To amend §2-15-40 to read as follows:

"§2-15-40.

Every person engaged in the business of buying ~~cattle, sheep, goats, hogs, horses, mules or asses~~ livestock as defined in 2-15-20 for resale or slaughter or who engages in the business of transporting, hauling or driving ~~cattle, sheep, goats, hogs, horses, mules or asses~~ livestock as defined in 2-15-20 along any public road or highway of Alabama for resale, market or slaughter or who engages in the business of slaughtering such livestock shall be deemed to be a dealer for the purposes of this article."

Section 4. To amend §2-15-43 to read as follows:

§2-15-43. Dealers to obtain, etc., bills of sale upon purchase of ~~cattle, sheep, etc.~~ livestock as defined in 2-15-20; dealers transporting livestock for hire upon public roads or highways to issue waybills or bills of lading; transporting of livestock without bill of sale, etc.; dealer, etc., to exhibit bill of sale, etc., upon demand by sheriff, etc.

All such dealers shall be required to obtain from the owner or seller, on purchase of any ~~cattle, sheep, hogs or goats~~ livestock as defined in 2-15-20, a bill of sale therefor, upon such forms as may be prescribed by the commissioner of agriculture and industries and shall, on purchase, leave with such owner or seller a copy or duplicate of such bill of sale.

Dealers engaged in the business of transporting or hauling for hire ~~cattle, sheep, goats or hogs~~ livestock as defined in 2-15-20 along any public road or highway shall issue a waybill or bill of lading for all livestock hauled or transported by them containing such information as may be required by rules and regulations approved by the state board of agriculture and industries.

It shall be unlawful for any dealer or his agent or employee to drive, haul or otherwise transport any such livestock along or upon any public road or highway in Alabama unless such dealer or his agent or employee shall have in his possession accompanying such hauling or shipment or transportation the original or a duplicate copy of the bill of sale, waybill or bill of lading as required by this section for any such livestock so being driven, hauled or transported, and the dealer or his agent or employee or other person in charge of such livestock shall on demand exhibit said accompanying bill of sale, waybill or bill of lading to any sheriff, deputy or other officer of the law."

Section 5. To amend §2-15-60 to read as follows:

"§2-15-60.

When used in this division, the following terms shall have the following meanings, respectively, unless the context clearly indicates a different meaning:

(1) COMMISSIONER. The commissioner of agriculture and industries of the state of Alabama.

(2) BOARD. The board of agriculture and industries of the state of Alabama.

(3) PERSON. Any individual, partnership, corporation, association or other legal entity or organization.

(4) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

(5) LIVESTOCK. Cattle, swine, sheep, goats, ~~horses, mules and asses equiadae, ratites and poultry~~

(6) LIVESTOCK MARKET. A place, concentration or collection point or other public or private place where a person shall assemble livestock for either public or private sale by him and such service or the cost or expense thereof is to be compensated for by the owner, on a commission basis or otherwise, or where such person purchases livestock for resale. Such term shall not include:

a. Any place other than at a permanently established livestock market, used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale;

b. Any farm, ranch or place where livestock either raised or kept thereon for the grazing season or for fattening is sold and no other livestock is brought there for sale or offered for sale;

c. The premises of any butcher, packer or processor who receives animals exclusively for immediate slaughter;

d. The premises of any person engaged in the raising of livestock for breeding purposes only who limits his sale to animals of his own production;

e. Any place where a breeder or an association of breeders of livestock of any class assemble and offer for sale and sell under his or their own management any livestock when such breeder or association of breeders shall assume all responsibility of such sale and the title of livestock sold; and

f. Any place, other than at a permanently established livestock market, used solely for livestock sales of 4-H clubs, Future Farmers of America and other youth organizations of like kind."

Section 6. To amend §2-15-131 to read as follows:

"§2-15-131.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) COMMISSIONER. The commissioner of agriculture and industries of the state of Alabama.

(2) BOARD. The board of agriculture and industries of the state of Alabama.

(3) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

(4) PERSON. Any individual, partnership, corporation, association or other business unit.

(5) DEALER. Any person engaged in the business of buying livestock in the state of Alabama for resale, exchange or slaughter and meat packing purposes, either on his own account or as agent for others on a commission basis or otherwise.

(6) LIVESTOCK. Cattle, swine, sheep, goats, ~~horses, mules, asses~~ equiadae, ratites, poultry and catfish.

Section 7. To amend §2-15-118 to read as follows:

"§2-15-118.

The following definitions shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(1) BOARD. The Alabama state public market board created pursuant to this article.

(2) LIVESTOCK. Cattle, ~~horses, mules~~, swine, sheep, goats, equiadae, ratites, poultry and exotic animals.

(3) LIVESTOCK MARKET. A place, concentration or collection point or other public or private place where a person shall assemble livestock for either public or private sale by him and the service or the cost or expense thereof is to be compensated by the owner, on a commission basis or otherwise. Such term shall not include:

(a) Any place, other than at a permanently established livestock market, used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale;

(b) Any farm, ranch or place where livestock either raised or kept thereon for the grazing season or for fattening is sold and no other livestock is brought there for sale or offered for sale;

(c) The premises of any butcher, packer or processor who receives animals exclusively for immediate slaughter;

(d) The premises of any person engaged in the raising of livestock for breeding purposes only who limits his sale to animals of his own production;

(e) Any place where a producer or an association of producers of livestock of any class assemble and offer for sale and sell under his or their own management any livestock when such producer or association of producers shall assume all responsibility of such sale and the title of livestock sold; and

(f) Any place, other than a permanently established livestock market, used solely for livestock sales of 4-H clubs, Future Farmers of America and other youth organizations of like kind.

(4) COMMISSIONER. The commissioner of the Alabama department of agriculture and industries.

(5) CHARTER. The charter for a public livestock market business authorized to be issued under this article.

(6) PERSON. Any individual, association, partnership, corporation, or other entity.

(7) LIVESTOCK MARKET OWNER. Any person engaged in the business of conducting or operating a public livestock market whether personally or through agents or employees.

(8) DEPARTMENT. The department of agriculture and industries."

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Goodwin, Hall (A), Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill, S. 282, as amended, was read a third time at length and passed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-80

H. 268 INDEFINITELY POSTPONED

On motion of Representative Smith (C), the bill:

H. 268. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

was indefinitely postponed.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Carothers offered the motion to reconsider the vote by which the bill, H. 341, was passed, and the motion to reconsider was adopted.

And the bill, H. 341, was again taken up.

SUBSTITUTE OFFERED

Representative Carothers offered the following substitute to the bill, H. 341:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of two years after a cause of action accrues or arises in certain cases; to provide that all causes of action and all rights of action which accrue more than thirteen years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. As used in this act, the following words and phrases used herein shall have the following meaning ascribed to them:

(a) **BUILDER.** Any individual, partnership, firm, or corporation that constructed, or performed or managed the construction of, an improvement, or any portion thereof, on or to real estate, and at the time of the construction was licensed as a general contractor in the State of Alabama.

(b) **ARCHITECT.** Any individual who, at the time the architectural services were performed, was legally qualified to practice architecture and held an unexpired registration as an architect in the State of Alabama; any partnership, corporation, professional corporation, or professional association which, at the time the architectural services were performed, was legally qualified to practice architecture in the State of Alabama; and all employees or agents of the registered architect or of his or her entity or firm acting under the instruction, control, or supervision of the registered architect.

(c) **ENGINEER.** Any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired registration as a professional engineer in the State of Alabama; any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and was certified as an engineer-in-training in the State of Alabama; any partnership, firm, or corporation which, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired certificate of authorization to practice engineering in the State of Alabama; and all employees or agents of the registered engineer or of his or her entity or firm acting under the instruction, control, or supervision of the registered engineer.

(d) "SUBSTANTIAL COMPLETION OF CONSTRUCTION OR CONSTRUCTION OF IMPROVEMENT." The time at which the construction of the improvement on or to real estate is sufficiently completed so that the owner, tenant, or other person can occupy or utilize the improvement, or a designated portion thereof, for the use for which it is intended.

(e) "CAUSE OF ACTION ACCRUES OR ARISES." The time when a person is injured, including injury which results in death, or when property is damaged as a proximate result of a defect or deficiency in design, planning, testing, supervision, administration, or observation of construction of an improvement by an architect or engineer or in the construction of an improvement on or to real estate, constructed, performed, or managed by a builder; or where the damage or injury either is latent or by its nature is not discoverable in the exercise of reasonable diligence at the time of its occurrence, the claim for relief shall be deemed to arise or accrue at the time the damage or injury is or in the exercise of reasonable diligence should have been first discovered, whichever is earlier. The cause of action accrues or arises whether or not the full amount of damages is apparent at the time of the first injury or damage, and cannot be extended as a continuous wrong. Property damage shall include both physical damages to, and defective condition of, the property.

(f) CONSTRUCTION, or CONSTRUCTED. Includes building, constructing, erecting, fabricating, or assembling.

(g) "IMPROVEMENT ON OR TO REAL PROPERTY." Anything that is constructed on or to real property, whether on, under, or over land or water, that enhances the value of real property permanently for general uses, including, without limitation, buildings, structures, fixtures, walls, fences, locks, dams, embankments, bulkheads, docks, jetties, drilling and other platforms and rigs, highways, bridges, canals, ditches, waterways, railroads, sewers, pipelines, pole lines, storage tanks, machinery, equipment and other improvements, and any extension, alteration, addition, or portion thereof.

Section 2. (a) All civil actions in tort, contract, or otherwise against any architect or engineer performing or furnishing the design, planning, specifications, testing, supervision, administration, or observation of any construction of any improvement on or to real property, or against builders who constructed, or performed or managed the construction of, an improvement on or to real property designed by and constructed under the supervision, administration, or observation of an architect or engineer, or designed by and constructed in accordance with the plans and specifications prepared by an architect or engineer, for the recovery of damages for:

(i) Any defect or deficiency in the design, planning, specifications, testing, supervision, administration, or observation of the construction of any such improvement, or any defect or deficiency in the construction of any such improvement; or

(ii) Damage to real or personal property caused by any such defect or deficiency; or

(iii) Injury to or wrongful death of a person caused by any such defect or deficiency;

shall be commenced within two years next after a cause of action accrues or arises, and not thereafter. Notwithstanding the foregoing, no relief can be granted on any cause of action which accrues or would have accrued more than thirteen years after the substantial completion of construction of the improvement on or to the real property, and any right of action which accrues or would have accrued more than thirteen years thereafter is barred, except where prior to the expiration of such thirteen-year period, the architect, engineer, or builder had actual knowledge that such defect or deficiency exists and failed to disclose such defect or deficiency to the person with whom the architect, engineer, or builder contracted to perform such service.

(b) This section shall apply to any civil action commenced against an architect, engineer, or builder as defined in this act, whether for his or her own act or omission or failure to act, for the act or omission or failure to act of his or her agents or employees, or for the act or omission or failure to act of any person or entity, its agents, or employees, who are acting under the instructions, control, or supervision of the architect, engineer, or builder.

(c) This section shall apply and extend to every action or demand, whether commenced by direct action, action for contribution or indemnity, or by counterclaim, cross-claim, or third party practice and whether commenced by an owner of the improvement or any other person.

(d) This section shall not apply to, shall not be a defense for, and does not proscribe a cause or right of action against any architect, engineer, or builder who, at the time the cause of action accrues or arises, is the owner or is in actual possession or control as owner, tenant, or otherwise of the improvement.

(e) When the architect, engineer, or builder has been the owner or the person in actual possession or control, in whatever capacity, of the improvement during the thirteen-year period after the substantial completion of construction of the improvement on or to real property, but not at the time the cause of action accrues or arises, the time of the ownership, possession, or control shall not be computed as a portion of the time necessary to create a bar for the action or of relief by virtue of the passage of time after the substantial completion of the improvement.

Section 3. Section 2 of this act shall be subject to all existing provisions of law relating to the computation of statutory periods of limitation for the commencement of actions, set forth in Sections 6-2-1, 6-2-2, 6-2-3, 6-2-5, 6-2-6, 6-2-8, 6-2-9, 6-2-10, 6-2-13, 6-2-15, 6-2-16, 6-2-17, 6-2-30 and 6-2-39(b), Code of Alabama 1975, as amended. Notwithstanding any provisions of Section 6-2-8, no disability

set forth in Section 6-2-8 shall extend the period of limitations set forth in Section 2 of this act so as to allow such action to be commenced more than thirteen years after the cause of action accrues; provided further, that notwithstanding any provisions of such sections, no relief can be granted for any cause of action which accrued, and any right of action is barred which would have accrued, more than thirteen years after the substantial completion of construction of such improvement.

Section 4. This act shall not apply to civil causes of action in tort, contract, or otherwise, which accrued or arose prior to the effective date of this act. Where construction was completed but no civil cause of action accrued prior to the effective date of this act, this act shall apply to the construction of the improvement on or to real estate, and, for the purposes of the time limitations provided in this act, substantial completion of construction of the improvement on or to real estate shall be deemed to be the effective date of this act, but shall not revive any cause of action barred under existing law.

Section 5. This act shall not be construed to create any cause of action against, or impose any liability on, or revive any cause of action barred under existing law against any architects, engineers, or builders, or any licensed real estate brokers or salesmen, or any other persons.

Section 6. It is the purpose and intent of the Legislature in connection with all actions against architects and engineers, who perform or furnish the design, planning, specifications, testing, supervision, administration, or observation of the construction of an improvement on or to real property, and builders who construct, perform, or manage the construction of an improvement on or to real property designed by and constructed under the supervision, administration or observation of, or in accordance with the plans and specifications prepared by, an architect or engineer, to limit the time for commencement of an action to a period of two years from the date a cause of action accrues and to bar all causes of action and rights of action which accrue more than thirteen years after substantial completion of such improvement. The Legislature finds that this classification distinguishing architects, engineers, and builders is rationally and reasonably related to the legislative regulatory scheme and is valid. The Legislature has declared that the practices of architecture and engineering are subject to regulation and control in the public interest and has established high professional standards which must be met by architects and engineers to qualify them to practice architecture and engineering in the State of Alabama. These requirements imposed by the Legislature make the practices of architecture and engineering learned professions fully regulated and accountable to the state and members of the public. Regulation has also been imposed by the Legislature upon general contractors who construct such improvements on or to real property. Builders distinguished in this act are those licensed as general contractors who construct, or perform or manage the construction of, such improvements designed by and constructed under the supervision, administration or observation of, or in accordance with the plans and specifications prepared by an architect or engineer.

This act bears a reasonable relationship to the proposed legislative objective of limiting the period of liability for architects and engineers and builders whose professional services or work on improvements to real property generally ends at the time of substantial completion of the improvement. While protecting architects and engineers from exposure to liabilities for injuries and damages occurring long after the completion of their professional architectural and engineering services and builders as defined from exposure to liabilities for injuries and damages occurring long after the completion of their work, the act imposes no unfair burden on the injured party for he or she is still afforded an avenue of legal action to seek redress from those who are more likely to have been responsible for or could have prevented such injury.

It is the legislative intent and purpose to establish a single period of limitation for all civil actions, whether in tort, contract or otherwise, commenced against architects and engineers and builders, which limitation period is two years from the date the cause of action accrues. This limitation period is equally applicable to actions in tort which currently must be commenced within two years from the date injury occurs, and those founded on contract which currently may be commenced within two years for oral contracts, six years for written contracts, or ten years for written contracts under seal after the completion of the contract work. The proposed two-year statute provides a uniform period of two years for filing all causes of action against architects in tort, contract, or otherwise, but provides that the statute of limitation does not commence until the time of injury or damage, which extends the commencement of the time for filing contract actions, or where latent or by its nature not reasonably discovered, does not commence until the time of discovery--thereby applying for the first time to both these tort and contractual actions, the so-called "discovery rule." These changes accrue to the benefit of the injured party, and the Legislature finds that this benefit constitutes an adequate quid pro quo for abolishing rights of action which have not accrued within thirteen years of substantial completion of their work.

It is the further legislative objective to provide for the abolishing of rights of action against architects and engineers and builders which would have accrued after the passage of thirteen years from the substantial completion of the construction of an improvement on or to real property, except rights of action for breach of written express warranties, contracts, or indemnities which extend beyond thirteen years. Where causes of action accrue during the thirteen years from completion, an action may be brought within two years of accrual even though this extends beyond the thirteen-year period. This permits all injured parties a period of two years to file suit unless already barred because the cause of action accrues after the passage of thirteen years, which would in certain circumstances permit the filing of an action up to fifteen years after the completion of the improvement (or up to two years after the expiration of written express warranties, contracts, or indemnities).

The legislative objective of abolishing potential liabilities of architects and engineers and builders after the passage of a sufficient period of time from the completion of their work is rationally and reasonably related to the permissible state objective of removing responsibility from, and preventing suit against these regulated professions and builders which are least likely to be responsible or at fault for defects and deficiencies which cause injury long after their services or work is completed. The Legislature has deemed that, after a lapse of time of more than thirteen years without incident, the burden on the courts to adjudicate, the complexities of proof with the obstacle of faded memories, unavailable witnesses and lost evidence, and even where evidence is available, the opportunity for intervening factors such as acts or omissions of others in inadequate maintenance, improper use, intervening alterations, improvements and services, and other negligence, and such as changes in standards for design and construction and changes in building codes, and the burden on architects and engineers and builders, who have no control over the improvements after their services are completed, to disprove responsibility after acceptance and years of possession by other parties, all weigh more heavily in favor of repose or the abolishing of rights of action against architects and engineers and builders than allowing adjudication of the few, if any, meritorious claims which might have accrued thereafter. The Legislature finds that the burden of tenuous claims upon both the courts and architects and engineers and builders sufficiently vindicates the denial of a right of action after the passage of a period of thirteen years from the substantial completion of the construction of the improvement.

Section 7. Nothing contained in this act shall be construed to abrogate any cause of action for products liability, or for breach of warranty, or for violation of the Alabama Extended Manufacturer's Liability Doctrine, or bar any cause of action or right of action against any party other than an architect, engineer, or builder as defined in this act.

Section 8. Nothing contained in this act shall be construed to bar, prior to the expiration of a written express warranty, contract, or indemnity, causes of action or rights of action in contract against architects, engineers, and builders as defined in this act arising out of breach of contract for written express warranties, contracts, or indemnities which by the written terms thereof shall extend beyond the period of thirteen years after the substantial completion of construction of an improvements on or to the real property. Any written express warranty, contract, or indemnity for the purposes of an action in contract based upon the written express warranty, contract, or indemnity shall be enforceable for the period of time specified in writing, and all civil actions in contract arising out of the written express warranty, contract, or indemnity against any architect, engineer, or builder who gave the written express warranty, contract, or indemnity must be commenced within two years next after the cause of action accrues or arises, and not thereafter; and no relief can be granted and shall be barred on any cause of action which accrues after the expiration of the term or period of said written express warranty, contract, or indemnity.

Section 9. Nothing contained in this act shall be construed as affecting any period of limitation for any cause of action arising out of or relating to the sale or disposition of real estate, or against any person other than architects, engineers and builders as defined in this act.

Section 10. It is expressly provided that each section, subsection, clause, provision or portion of this act shall be construed as inseparable and nonseverable from all others, and in the event that any section, subsection, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire act and each section, subsection, clause, provision or portion thereof shall be inoperative and have no effect.

Section 11. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-85

And the bill:

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of two years after a cause of action accrues or arises in certain cases; to provide that all causes of action and all rights of action which accrue more than thirteen years after the

substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-81

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (C), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 293.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 293, was adopted.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, White, Williams, Willis and Zoghby.

-74

Nay:

Representatives Laird and Turner.

- 2

And the bill:

H. 293. To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Box, Bryant, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-72

Nay:

Representatives Dolbare, Laird and Turner.

- 3

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Penry to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 123, was lost, lacking a four-fifths vote.

Yeas 29; Nays 19.

Yea:

Mr. Speaker, Beasley, Bryant, Burke, Butler, Collins, Cosby, Crow, Freeman, Hammett, Hawkins, Hill, Hilliard, Holladay, McDaniel, Mikell, Millican, Newton (D), Powell, Richardson, Rockhold, Sanderford, Spratt, Starkey, Venable, Walker, Williams, Willis and Zoghby.

-29

Nay:

Representatives Anderson, Biddle, Buskey, Cagle, Clark (W), Curry, Dolbare, Gaines, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (J), Laird, Payne, Sanderson, Smith (R) and Turner.

-19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 24.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 24, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-69

And the bill:

H. 24. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Military Order of the Purple Heart.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-78

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDowell, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 423.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 423, was adopted.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (L), Hammett, Haney, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, Millican, Newton (C), Newton (D), Page, Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

-66

Nay:

Representative Holmes.

- 1

And the bill:

H. 423. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-80

Nay:

Representative Holmes.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Holley, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 83.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, S. 83, was adopted.

Yeas 61; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Carothers, Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turner, Venable, Walker, Williams, Willis and Zoghby.

-61

And the bill:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

was read a third time at length and passed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Turner, Venable, Walker, White, Williams, Willis and Zoghby.

-67

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Newton (C) offered the motion to reconsider the vote by which the bill, H. 293, was passed, and the motion to reconsider was adopted.

And the bill, H. 293, was again taken up.

AMENDMENT OFFERED

Representative Newton (C) offered the following amendment to the bill, H. 293:

Amend House Bill 293 on page 16 by deleting lines 22 through 23 in their entirety and inserting in lieu thereof the following: "LP-Gas recovery fund shall be credited to the LP-Gas recovery fund."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Goodwin, Hall (A), Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-68

And the bill, H. 293, as amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Haney, Harvey, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, White, Williams, Willis and Zoghby.

-72

Nay:

Representative Turner.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

S.J.R. 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Poole, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 407.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Poole, the Budget Isolation Resolution relating to the bill, H. 407, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey, Cagle, Carns, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-74

And the bill:

H. 407. (With Substitute) (With Amendment): To provide for the use of a videotaped deposition of a victim over age 70 in the criminal trial of a defendant.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the use of a videotaped deposition of a victim or witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In any criminal prosecution, the court may, upon motion of the district attorney, for good cause shown and after notice to the defendant, order the taking of a videotaped deposition of an alleged victim or a witness when the victim or witness is or may be unavailable for trial for medical reasons. On any motion for a videotaped deposition of the victim or witness, the court shall consider the age of the victim or witness, the potential unavailability of the victim or witness for trial, the nature of the offense, the nature of testimony that may be expected, and the possible effect that testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule. During the taping of a videotaped deposition, an attorney of the victim shall be allowed to be present at the taping. If the court orders that a deposition of the victim or witness shall be taken as provided in this act, the district attorney shall make all necessary arrangements to have the deposition videotaped.

The deposition shall be taken before the judge in the chambers or at another suitable location as the court may direct and shall be conducted in the presence of the district attorney, the defendant and his or her attorney, and any other persons as the court in its discretion may permit, taking into consideration the welfare and well-being of the alleged victim or witness. The examination and cross-examination of the alleged victim or witness shall proceed at the taking of the videotaped deposition as though the alleged victim or witness was testifying personally in the trial of the case. The state shall provide the attorney for the defendant with reasonable access and means to view and hear the videotaped deposition at a suitable and reasonable time prior to the trial of the case. Objections to the introduction into the record of the deposition shall be heard by the judge in whose presence the deposition was taken, and unless the court determines that its introduction in lieu of the victim's or witness' actual appearance as a witness at the trial will unfairly prejudice the defendant, the videotaped deposition shall be entered into the record by the state in lieu of the direct testimony of the alleged victim or witness and shall be viewed and heard at the trial of the case.

For the purposes of this section, "videotaped deposition" means the visual recording on a magnetic tape, together with the associated sound of a witness testifying under oath to be entered in the record in a judicial proceeding.

The Supreme Court may adopt rules of procedure regarding the taking and use of videotaped depositions in criminal proceedings as provided by this act, as well as for the transcribing of the deposition in the event the case is appealed.

All costs associated with the videotaping of a deposition ordered pursuant to this act shall be paid by the state. The district attorney shall submit all cost bills to the State Comptroller for approval and payment from the fund entitled "court costs not otherwise provided for."

A videotaped deposition ordered pursuant to this act may be subject to a protective order of the court for the purpose of protecting the privacy of the victim of the offense until presented as evidence at trial.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 407 on Page 1, Section 1, Line 27, after the word "attorney," by inserting the following language: the defense attorney or the court

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 407. To provide for the use of a videotaped deposition of a victim or witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Representatives Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 424. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 424. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator, and certain other specified disclosures; to provide for disclosures, if any, by a creditor of real estate mortgage broker fees and points as has or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g); to provide that except for the provisions of this act related to Section 5-19-4(g), the provisions of this act confirm, clarify, and are declaratory of existing law; to provide that the provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; to provide that Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not repealed by this act; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 419. Banking.

RESOLUTIONS

The following resolution was introduced:

By Representative Campbell:

H.J.R. 173. RECOGNIZING COACH JACK STEWART FOR OUTSTANDING CONTRIBUTIONS TO HIGH SCHOOL ATHLETICS.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Jackson Braswell Stewart for outstanding achievement and for extraordinary contributions to high school athletics in the State of Alabama; and

WHEREAS, a native of Randolph County, Alabama, Jack Stewart is a graduate of Lineville High School where he starred in three sports, and of Jacksonville State University where he played football for four years, served as team captain in his senior year, and also played baseball for one year; and

WHEREAS, following graduation from JSU, and after coaching at Bowden High School in Bowden, Georgia, from 1955 to 1959, Coach Stewart returned to his high school alma mater in Lineville where, as head football coach until 1965, his teams posted a 54-11-3 record; his 1960 and 1961 teams both enjoyed unblemished 10-0-0 records; and the 1961 and 1962 teams were named State Champions; and

WHEREAS, Coach Stewart also, from 1959 to 1965, was head coach for the Lineville basketball team which won 101 games and lost only 43 during this seven-year period, and his cagers were State Runners-up in 1963 and 1965, while placing third in the State Tournament in 1964; and

WHEREAS, in 1966, Coach Stewart was named Head Coach and Athletic Director at Saks High School near Anniston where he remained until 1977, at which time he was forced to retire due to recurring back problems and a number of attempts to correct the problems with surgery; and

WHEREAS, his success at Saks, however, was phenomenal and, under his leadership, the school's athletic program soon began to show remarkable improvement; in his second year, Saks posted its first winning season with a 5-4-0 record; in 1968 the Wildcats were undefeated at 10-0-0 and reached the finals in the State 5A Playoffs; returned to the Playoffs in both 1971 and 1974; and overall, during Coach Stewart's tenure, the Wildcats were 77-37-5; and

WHEREAS, even more impressive were Coach Stewart's contributions to Saks' Athletic program and to the community, which included vastly improved dressing facilities; a triple increase in stadium seating, as well as other renovations; and construction of a baseball field and bleachers, among numerous other improvements; and

WHEREAS, Coach Jack Stewart, who is widely acknowledged as one of Alabama's most outstanding high school coaches, is equally as well known for the positive impact he has had upon the lives of countless young students under his tutelage and, in gratitude and recognition thereof, the Saks High School Stadium has been named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with Saks High School, his many former student athletes, and the community, we hereby pay tribute to Coach Jackson Braswell Stewart, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 173, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Holladay:

H.R. 174. COMMENDING THE ST. CLAIR COUNTY HIGH SCHOOL "FIGHTING SAINTS" ON THEIR OUTSTANDING 1993 FOOTBALL SEASON.

Also:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 175. COMMENDING QUARTERBACK STAN WHITE OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 176. COMMENDING AUBURN UNIVERSITY ON ITS SPECTACULAR 1993 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Representatives Rogers (J) and McClain:

H.J.R. 177. MOURNING THE DEATH OF MRS. SARAH MARIE BROWN OF BIRMINGHAM, ALABAMA.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the lamentable death of Mrs. Sarah Marie Brown of Birmingham, Alabama, on February 8, 1994; and

WHEREAS, a beloved member of the West End community and a devoted mother and grandmother, Mrs. Brown was the retired owner and operator of Walkers Cleaners on Graymont Avenue, a faithful member of the Sixth Avenue Baptist Church, and a volunteer at West End Nutritional Center; and

WHEREAS, she also was a member of the inaugural Alabama Silver Haired Legislature, representing District 52, and, in this capacity, was a staunch supporter of the elderly, striving to protect not only the health, welfare and security of the senior citizens of her district, but zealously guarding the welfare and well-being of all senior citizens statewide; and

WHEREAS, in the death of Mrs. Sarah Marie Brown, the West End community, which she so long and well served, has suffered an inconsolable loss that has left an unfathomable void in the hearts of her beloved family, many friends, and all those for whom she labored in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Sarah Marie Brown of Birmingham, Alabama, and extend our most heartfelt sympathy to all her family, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 177, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Perdue:

H.R. 178. MOURNING THE DEATH OF MRS. CHRISTINE MCDUFFIE TANNER OF BIRMINGHAM, ALABAMA.

Also:

By Representative Melton:

H.R. 179. RECOGNIZING THE 85TH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

Also:

By Representative Perdue:

H.R. 180. TO CONGRATULATE THE ACCOMPLISHMENTS OF ELIAS AND GAYNELL HENDRICKS AS TRAIL BLAZERS IN ENTREPRENEURSHIP.

ADJOURNMENT

On motion of Representative Penry, the House adjourned until 1:00 o'clock p.m., Tuesday, February 22, 1994.

Yeas 50; Nays 47.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Campbell, Carns, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Goodwin, Hall (A), Harper, Hawkins, Haynes, Hill, Hilliard, Holmes, Hooper, Kennedy, Knight (J), Laird, Layson, Lindsey, Melton, Mikell, Morrow, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Powell, Sanderford, Spratt, Starkey, Thomas, Turner, Warren, White, Williams and Willis.

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Nay:

Mr. Speaker, Beasley, Bowling, Box, Burke, Butler, Cagle, Carothers, Carter, Collins, Curry, Ford, Freeman, Gaines, Gaston, Hall (L), Hamilton, Hammett, Haney, Harvey, Higginbotham, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Mathis, McClain, McDaniel, McKee, McMillan, Millican, Page, Parker (P), Petelos, Poole, Rich, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Turnham, Venable and Zoghby.

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FOURTEENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 22, 1994**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Gary Burton, Pintlala Baptist Church, Pintlala, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dean Harvison, 12th Grade, Pinson Valley High School, Pinson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the thirteenth legislative day was approved.

PROCLAMATION

His Excellency, Jim Folsom, Governor of the State of Alabama, issued the following proclamation convening the Legislature in extra session on April 26, 1994:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Jim Folsom, Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5:30 p.m. on April 26, 1994, and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to revise the laws relating to the reform of Alabama's primary and secondary public school system including, but not limited to, a school reform plan to remedy the deficiencies in the Alabama public school system, equitable funding for all schools in the Alabama public school system, and revenue measures passed exclusively to provide the funding for such reform.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State Capitol, in the City of Montgomery, on this the 16th day of February, 1994.

JIM FOLSOM
Governor

ATTEST:

JIM BENNETT
Secretary of State

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 46. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

On motion of Representative Carter, the resolution, S.J.R. 46, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 169. COMMENDING LIBERTY MIDDLE SCHOOL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the resolution, H.J.R. 169, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 170. COMMENDING CORPORAL WILLIE ALLEN ON THE OCCASION OF HIS RETIREMENT FROM THE MOBILE POLICE DEPARTMENT.

On motion of Representative Carter, the resolution, H.J.R. 170, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 171. COMMENDING OXFORD HIGH SCHOOL ON THE 1993 STATE CLASS 5A FOOTBALL CHAMPIONSHIP.

On motion of Representative Carter, the resolution, H.J.R. 171, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 173. RECOGNIZING COACH JACK STEWART FOR OUTSTANDING CONTRIBUTIONS TO HIGH SCHOOL ATHLETICS.

On motion of Representative Carter, the resolution, H.J.R. 173, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 177. MOURNING THE DEATH OF MRS. SARAH MARIE BROWN OF BIRMINGHAM, ALABAMA.

On motion of Representative Carter, the resolution, H.J.R. 177, was adopted.

BILLS ON SECOND READING

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator, and certain other specified disclosures; to provide for disclosures, if any, by a creditor of real estate mortgage broker fees and points as has or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g); to provide that except for the provisions of this act related to Section 5-19-4(g), the provisions of this act confirm, clarify, and are declaratory of existing law; to provide that the provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; to provide that Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not repealed by this act; and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 631. To provide procedures by which municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the fair market value of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; to provide certain tax exemptions for district management corporations; to provide immunity from civil liability to district management corporations and their noncompensated officers and directors; and to provide immunity from civil liability to the municipality respecting acts of district management corporations, their officers, directors, agents or employees.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 588. To amend Section 1 of Act No. 243, H. 26, 1969 Regular Session (Acts 1969, p. 576), entitled "An Act To alter or rearrange the boundary lines of the City of Thomasville, Alabama, so as to include in the corporate limits of said city certain territory not now included, and to exclude from the City of Thomasville, Alabama, certain territory now included in the corporate limits of said city," to correct a clerical error in the legal description to correspond to the legal description as originally advertised.

H. 656. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

The above bill was read a second time at length as required by the Constitution.

H. 659. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

The above bill was read a second time at length as required by the Constitution.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 607. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

H. 243. Relating to Jefferson County; to amend Act No. 929, S.676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for a retroactive effect.

H. 490. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

H. 416. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

H. 329. Relating to the City of Birmingham in Jefferson County; to amend Act No. 453, H. 427 of the 1967 Regular Session (Acts 1967, p. 1129), as amended by Act No. 393, H. 1317 of the 1975 Regular Session (Acts 1975, p. 976), as amended, establishing a pension and relief fund for officers and employees of the library board of any city having a population of 300,000 or more according to the 1970 or any subsequent federal census, to authorize the library board employer of the members of the Library Board Employees' Pension and Relief Fund to pay certain employee contributions for certain members of the system.

H. 420. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from nine single-member districts geographically the same as the districts established for the election of members of the city council; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

H. 75. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

H. 533. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

H. 475. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 17. To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, 41-16-54, and 41-16-21 Code of Alabama 1975, to increase the amounts of public contracts subject to the state's competitive bid laws.

TOMMY CARTER
Chairman

And the bill, H. 17, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hall (A):

H. 674. To amend Section 16-8-2, Code of Alabama 1975, to reduce the term of office for county board of education members from six years to four years.

COMMITTEE ON INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

By Representative Johnson:

H. 675. Relating to the great seal of the state; making it unlawful to use an image or facsimile of the great seal of the state for commercial purposes and to possess and present and to print or distribute, or both, certain identification cards which do not have a certain disclaimer of their authenticity printed on them in a certain place and providing criminal penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), McClain, and Burke:

H. 676. To establish the offense of unfair cigarette sales; define relevant terms; impose civil and criminal penalties and provide for coverage of additional persons within the terms of the act; and provide for administrative hearings.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawkins and Hilliard (With Notice and Proof):

H. 677. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award the pension if, in the judgment of the Board of Managers, the pension is required, and to provide for the conditions and limitations applying to the pension.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 677, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Blakeney, Bryant, Mikell, McMillan, Dolbare, Laird, Hogan, and Willis:

H. 678. To authorize judges and justices of the Unified Judicial System of the State of Alabama to obtain permanently-issued permits to carry handguns exempt from the payment of state and local permit fees; and to provide for the revocation of those permits under certain circumstances.

COMMITTEE ON JUDICIARY

By Representative Parker (T):

H. 679. To amend Section 36-21-66 of the Code of Alabama 1975, to provide further for the investment authority and policies of the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Layson (With Notice and Proof):

H. 680. Relating to Pickens County; authorizing the county commission to maintain driveways for schools, churches, church-owned cemeteries, and school bus turnarounds located within the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Zoghby:

H. 681. To amend Section 36-1A-6 of the Code of Alabama 1975, relating to distribution of undesignated contributions, to change the distribution formula of undesignated funds.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hammett:

H. 682. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County; and repealing Act No. 93-844, H. 67 of the First Special Session, relating to the operation of a lottery in Covington County is specifically repealed.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Biddle:

H. 683. To amend to Section 14-6-42, Code of Alabama 1975, which relates to the amount allowed to counties for the feeding of prisoners so as to change the conditional appropriation of \$1.25 per capita to an absolute appropriation and to provide that this act shall become effective on October 1, 1994.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Blakeney, Dolbare, Turner, Warren, and White:

H. 684. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in an unincorporated area of a county for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the county in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the judicial circuit in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of approval.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Petelos and Newton (D) (With Notice and Proof):

H. 685. Relating to Jefferson County; to amend Section 18 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as last amended by Act No. 89-467, H. 541 of the 1989 Regular Session (Acts 1989, p. 967), relating to creating and establishing a countywide civil service system; to provide for additional names to be certified for vacancies in the classified service.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 685, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 686. To amend Section 8-17-87 of the Code of Alabama 1975, relating to inspection fees on certain petroleum products, to authorize the Department of Revenue to examine books, accounts, and records of individuals subject to inspection fees, and to provide for penalties and rewards.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett:

H. 687. To propose an amendment to the Constitution of Alabama of 1901, providing for fire protection in Covington County; levying a special fire protection property tax; providing for collection of the tax; providing for the distribution of funds from the tax to the fire departments and to the rescue squads; and repealing Act No. 93-317, H. 825, 1993 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Box, Butler, Fuller, Petelos, Burke, Curry, Collins, Rockhold, Willis, Laird, Lindsey, Mikell, Smith (C), Bowling, McClain, Gullatt, Barnes, Hammett, Perdue, Sanderson, Zoghby, Morrow, White, Page, Black (M), Starkey, Freeman, Harvey, Powell, Sanderford, McDaniel, Hilliard, Clay, McMillan, Haynes, Thomas, Morton, Knight (J), McKee, Hogan, Crow, Knight (A), Clark (J), Clark (W), Kennedy, Buskey, Hawkins, Carns, Payne, Biddle, Haney, Smith (R), Hill, Gaines, Parker (T), Spratt, Richardson, Millican, Rogers (J), Ford, Drake, McDowell, Flowers, Cullins, Cosby, Warren, Johnson, Hooper, Newton (C), Beasley, Carothers, Layson, Williams, Turner, Mathis, Penry, Gaston, Kvalheim, Blakeney, Bryant, and Dolbare:

H. 688. Proposing an amendment to the Constitution of Alabama of 1901, providing for basic rights for crime victims.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representatives Fuller and Petelos:

H. 689. To amend Sections 13A-6-20 and 13A-6-22, Code of Alabama 1975, to make the crime of assault on a peace officer a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

COMMITTEE ON JUDICIARY

By Representatives Fuller and Box:

H. 690. To grant to all peace officers, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 691. To amend Section 11-18-3, Code of Alabama 1975, expanding the membership of the boards of trustees from three to five members.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 692. To provide an appropriation to the State Department of Public Health for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Higginbotham and Turnham:

H. 693. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Hall (L):

H. 694. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

COMMITTEE ON EDUCATION

By Representative Mikell:

H. 695. Relating to motor vehicles; to provide for the restricted use of a vehicle for which an antique tag has been issued; to raise the registration fees; to further provide for the issuance of unrestricted antique tags; and provide for the registration fee; for this purpose to amend Section 40-12-290, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 696. To provide for the disposal of firearms found on a school campus under certain conditions.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 697. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 698. To appropriate \$300,000 from the Alabama Special Educational Trust Fund in the State Treasury to the Minority Training/Economic Development Program at the University of Alabama at Birmingham for the 1994-95 fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 699. To make an appropriation from the General Fund in the State Treasury to the Alabama Commission on Aging for the use of the Silver Haired Legislature for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, McMillan, Fuller, Penry, and Clark (J):

H. 700. To direct the State Insurance Fund to pay five million seven hundred thousand dollars (\$5,700,000) to the Department of Veterans' Affairs for veterans' nursing homes in Bay Minette and Huntsville and for repayment of loans and contributions made by the cities to the nursing homes; to declare the payment to be a prudent investment of the State Insurance Fund; to provide for the recoupment by the State Insurance Fund of five million, seven hundred thousand dollars (\$5,700,000) plus interest, by amending Section 38-4-12, Code of Alabama 1975, to cause the residue of the one mill ad valorem tax for the relief of needy Confederate soldiers and sailors to be paid to the State Insurance Fund until it receives five million, seven hundred thousand dollars (\$5,700,000) plus eight percent per annum calculated from the effective date of this act.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 407. To provide for the use of a videotaped deposition of a victim or witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons.

TOMMY CARTER
Chairman

And the bill, H. 407, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of two years after a cause of action accrues or arises in certain cases; to provide that all causes of action and all rights of action which accrue more than thirteen years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

TOMMY CARTER
Chairman

And the bill, H. 341, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

Also:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 181. COMMENDING QUARTERBACK STAN WHITE OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Stan White, with only seconds remaining, threw the unforgettable 50-yard touchdown pass to give the South a 35-32 victory over the North in the 1993 45th Senior Bowl Classic, and was named Most Valuable Player of the game; however, this was only the finishing touch to an already storybook 1993 season and outstanding college football career for the Auburn senior quarterback; and

WHEREAS, Stan White, who was the only major college quarterback in the nation to have an undefeated season, and the only quarterback in Auburn history to lead a team to a perfect 11-0-0 season, had completed 164 of 271 passes for 2,057 yards and 13 touchdowns; completed 60.5 percent of his passes with only eight interceptions; and had added 33 yards rushing and four rushing touchdowns to his credit for the '93 season; and

WHEREAS, as an Auburn record holder, he compiled 7,920 yards total offense, 1,231 passing attempts, 659 pass completions, and 8,016 in passing yardage; among other accomplishments, he is the only player in AU history to have attempted more than 1,000 passes and to pass for more than 8,000 yards, and his 40 TD passes rank second in the AU career record books; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in tribute to his outstanding athletic career, we hereby most highly commend quarterback Stan White of Auburn University, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 181, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 182. COMMENDING AUBURN UNIVERSITY ON ITS SPECTACULAR 1993 FOOTBALL SEASON.

WHEREAS, it is with great pride and highest commendation that the Alabama Legislature recognizes the Auburn Tigers of Auburn University for an incredible 1993 football season; and

WHEREAS, they willed it so, and so it was; the Auburn Tigers, plagued by adversity and uncertainties, dared to dream and achieved what to some seemed the impossible -- an 11-0 record season, to become the only undefeated major college team in the nation; and

WHEREAS, it was a matter of AttitUde -- commitment, faith and hard work -- as step-by-step, and one-by-one, they met each challenge, defeating successively Ole Miss (16-12), Samford (35-7), LSU (34-10), Southern Mississippi (35-24), Vanderbilt (14-10), Mississippi State (31-17), Florida (38-35), Arkansas (31-21), New Mexico State (55-14), Georgia (42-28), and defending national champion Alabama (22-14); and

WHEREAS, Coach Bowden and his Auburn Tigers are indeed deserving of highest acclaim for a phenomenal season that will long remain in the hearts and minds of Auburn fans everywhere; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Auburn University Tigers, and do further direct that copies of this resolution be prepared for appropriate presentation and display at Auburn University.

The resolution, H.J.R. 182, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 183. CONGRATULATING MR. AND MRS. HERMAN G. BLACKWELL ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

WHEREAS, in noting with great pleasure the 65th Wedding Anniversary of Mr. and Mrs. Herman G. Blackwell, the Legislature of Alabama most highly commends their commitment to the ideals of marriage which have enriched their lives and inspired all those who have witnessed their devotion; and

WHEREAS, Mr. Blackwell and his wife, the former Ruby Murphy, were married January 28, 1929, and of this union were born two daughters, Iva and Sharon, and a son, Gary; they also are the loving grandparents of seven grandchildren, seven great grandchildren, and two great-great grandchildren; and

WHEREAS, Herman and Ruby Blackwell, who are very prominent members of the Black Creek community in Etowah County, are 84 and 81 years young, respectively; Herman, the owner and operator of Blackwell's Service Station for more than 30 years, also cut men's hair, again for over 30 years, and played an instrumental role in the organization and founding of the Black Creek Volunteer Fire Department, while Ruby has become famous for her culinary arts, most especially for her chocolate pie which is the best chocolate pie on Lookout Mountain; and

WHEREAS, the 65th Anniversary occasion is indeed a milestone in the life of this fine couple, and is a cause for rejoicing, not only by Mr. and Mrs. Blackwell, but by their family and their many friends throughout the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mr. and Mrs. Herman G. Blackwell on their 65th Wedding Anniversary, January 28, 1994, and direct that they receive a copy of this resolution, with sincere best wishes for many more years of happiness together.

The resolution, H.J.R. 183, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy, Buskey and Clark (W):

H.J.R. 184. RECOGNIZING CHRIST TEMPLE APOSTOLIC CHURCH OF MOBILE, ALABAMA.

WHEREAS, Christ Temple Apostolic Church of Mobile was organized and founded on June 15, 1989, during a "UNITY" meeting held at the Crichton Church of God, when a band of some 610 original members made a decision to depart from their former church and begin anew in oneness of spirit and purpose "to worship God in the beauty of holiness," and to seek spiritual growth and opportunities for service; and

WHEREAS, comprised of individuals from varied walks of life from ages 6 to 65 and older, Christ Temple became a legal, as well as spiritual body under the organizational name of The Apostolic Assemblies Fellowship, Incorporated, and, on March 3, 1990, Elder James E. Finley, pastor and founder, was consecrated and installed as first bishop and under-shepherd; and

WHEREAS, among many other notable milestones in the church's history, the first Sunday School convention was held in Leroy, Alabama, at Grace Temple Apostolic Fellowship Church, February 18-21, 1993; Bishop Timothy D. Monigan of Richmond, California, was consecrated second bishop of The Apostolic Assemblies Fellowship, Inc., during Pentecostal Assembly; and, in January of this year, a service of consecration, dedication and thanksgiving was held to commemorate the official opening of the new Church edifice begun a year earlier; and

WHEREAS, in just little more than four and one-half years, under the dedicated Christian leadership of Dr. Finley, Christ Temple has experienced significant growth and progress in Christian service and outreach ministry, including the appointment of 22 trustees, the commission of two foreign missionaries and two national evangelists, and the ordination of seven ministers, 18 elders, and 14 deacons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we pay tribute to Christ Temple Apostolic Church of Mobile, Alabama, and to its outstanding history and accomplishments in Christian commitment and service.

BE IT FURTHER RESOLVED, That a copy of this resolution be directed to Dr. James E. Finley, Pastor, on behalf of the entire congregation.

The resolution, H.J.R. 184, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.R. 185. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 22, 1994, we adjourn to meet again on Thursday, February 24, 1994, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 185, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 401. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 401. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators deGraffenried, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 48. COMMENDING CHARLES C. ROWE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Senator Campbell:

S.J.R. 49. COMMENDING THE 1993-94 EAST LAWRENCE HIGH SCHOOL VARSITY CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Sanders:

S.J.R. 50. DESIGNATING THE THIRD SUNDAY IN FEBRUARY AS JIMMY LEE JACKSON DAY IN PERRY COUNTY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 48, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 49, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 50, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Page:

H.J.R. 186. RECOGNIZING MAX AND NELL HOOKS AND THE MOUNTAINBORO WATCH PATROL.

WHEREAS, founded in 1991, the Mountainboro WATCH Patrol was initiated, planned and established by Max and Nell Hooks for the purpose of reducing crime in the Mountainboro community of Sand Mountain, Alabama; and

WHEREAS, it was solely through the initiative and diligence of Max and Nell Hooks that the Mountainboro WATCH Patrol became a reality, and has grown from just one route of 11 miles, covered by 12 drivers on patrol, to an area of some 32 square miles patrolled by 24 drivers; and

WHEREAS, as a result of these safety patrols, the Mountainboro community has not only experienced a phenomenal drop in crime, but area residents have enjoyed an increased feeling of security, knowing that the program's dedicated patrol drivers are constantly on the alert for any suspect situations and/or criminal activity; and

WHEREAS, Max and Nell Hooks, as founding president and secretary-treasurer, respectively, also voluntarily assumed responsibility for raising the funds necessary for the operation of the Mountainboro WATCH Patrol, and continue to work tirelessly to assure its ongoing success; and

WHEREAS, the contributions of Max and Nell Hooks, and of the Mountainboro WATCH Patrol, have indeed been of inordinate benefit to the Sand Mountain community, and it is with highest praise that the Legislature recognizes Mr. and Mrs. Hooks, the patrol drivers, and the Mountainboro Community Watch Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby publicly endorse the worthy purpose of the Mountainboro WATCH Patrol, express great pride in its success, and commend the Association and the WATCH program founders, Max and Nell Hooks.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Max and Nell Hooks, and that a copy also be provided for the Mountainboro Community WATCH Association.

The resolution, H.J.R. 186, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 42, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Carns, Clark (W), Collins, Curry, Dolbare, Gaines, Gaston, Hamilton, Hammett, Hill, Hilliard, Hooper, Knight (A), Kvalheim, Lindsey, McDowell, McKee, Millican, Morton, Parker (P), Payne, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Venable, White and Zoghby.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 42 INDEFINITELY POSTPONED

On motion of Representative White, the bill:

H. 42. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 73, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Crow, Curry, Flowers, Gaines, Gaston, Hall (L), Hamilton, Hammett, Hill, Hilliard, Holley, Hooper, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, Mikell, Morton, Newton (C), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, White, Williams, Willis and Zoghby.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 73. Relating to Escambia County; amending Act No. 88-836, H. 183, 1988 Special Session, which levies a county cigarette tax, and to provide further for the distribution of the proceeds from the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Clark (W), Crow, Drake, Gaston, Hamilton, Hammett, Hill, Hilliard, Hogan, Holley, Hooper, Kennedy, Kvalheim, Layson, Lindsey, McDaniel, Mikell, Morton, Newton (C), Penry, Petelos, Poole, Richardson, Sanderford, Smith (C), Spratt, Venable, Warren, White, Williams, Willis and Zoghby.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 629, was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Cagle, Carns, Collins, Crow, Curry, Drake, Freeman, Gaston, Hall (A), Hall (L), Haney, Haynes, Hill, Hilliard, Hogan, Holley, Hooper, Knight (A), Kvalheim, Laird, Layson, Mikell, Millican, Morton, Parker (P), Payne, Poole, Richardson, Smith (C), Smith (R), Spratt, Warren, Williams and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 629. Relating to Randolph County; to authorize the board of health to designate the clinical services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (M), Blakeney, Bryant, Cagle, Carns, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaston, Hall (A), Hamilton, Hammett, Haney, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Poole, Richardson, Sanderford, Smith (C), Smith (R), Spratt, Warren, Williams and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 632, was adopted.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Bryant, Carns, Crow, Cullins, Curry, Drake, Freeman, Gaston, Hall (A), Hall (L), Hamilton, Hill, Hilliard, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Layson, McClain, McDaniel, McKee, Melton, Morrow, Morton, Parker (P), Payne, Poole, Richardson, Smith (C), Spratt, Warren, Williams and Willis.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 632. Relating to Jackson County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Blakeney, Bryant, Buskey, Cagle, Carns, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Hall (A), Hall (L), Harvey, Hill, Hilliard, Hogan, Holladay, Holley, Kennedy, Kvalheim, Layson, McClain, McDowell, Melton, Mikell, Morrow, Morton, Payne, Poole, Smith (C), Spratt, Warren, Williams and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 645, was adopted.

Yeas 37; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Hall (A), Hamilton, Hill, Hilliard, Holladay, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Smith (R), Spratt, Williams and Willis.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 645. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Bryant, Buskey, Clark (W), Crow, Cullins, Curry, Flowers, Ford, Gaston, Hall (L), Hamilton, Haney, Hill, Hilliard, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, McClain, McDaniel, McDowell, Mikell, Morton, Newton (C), Richardson, Sanderford, Smith (R), Starkey, Williams and Willis.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 234 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 234, as amended on the third legislative day, was temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Petelos, the bill, H. 21, and the pending Budget Isolation Resolution offered by him on the eighth legislative day were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution offered by her on the twelfth legislative day to the bill, H. 262, was adopted.

Yeas 51; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Buskey, Clark (W), Clay, Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Hall (A), Hamilton, Haney, Harvey, Hawkins, Hill, Hilliard, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Penry, Petelos, Poole, Powell, Sanderson, Smith (C), Smith (R), Turner, Warren, White and Williams.

-51

Nay:

Representatives Barnes and Payne.

- 2

And the bill:

H. 262. (With Amendment): To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

On page 7, delete lines 22 to 27, inclusive, and insert in lieu thereof the following: party as to the recommended purchase price of real estate; or and this chapter shall not apply to any employee, officers, director, partner, or similar person making a valuation, analysis, market study, or other appraisal for his or her employer or principal, including those related to any real estate related financial transactions for or on behalf of a financial institution. The words 'employer or principal' as used in this subsection shall include any subsidiary, parent, affiliate, or partner of the direct employer or principal. This chapter shall not require now or in the future any person who lists or otherwise offers property for sale to have an appraisal of that property.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Williams, Willis and Zoghby.

-63

Nay:

Representatives Barnes and Hogan.

- 2

RESOLUTION

The following resolution was introduced:

By Representatives Penry and McMillan:

H.J.R. 187. COMMENDING MICHAEL L. HILL OF GULF SHORES, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Michael L. Hill of Gulf Shores, Alabama, as recipient of the Carnegie Medal for extraordinary bravery awarded by the Carnegie Hero Fund Commission; and

WHEREAS, on July 2, 1992, while walking on the beach, Michael Hill, a 23 year-old college student, was alerted to the plight of a woman struggling helplessly against the current, which was pulling her relentlessly away from shore; and

WHEREAS, Mr. Hill, realizing the urgency of the situation, reacted swiftly and deliberately, and, without regard for his own personal safety, entered the water and swam to her rescue; and

WHEREAS, grasping the woman's arm he headed toward shore; struggling against the opposing current and fighting exhaustion, he persisted determinedly until he had the woman within the safety of shore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Michael L. Hill, recipient of the Carnegie Medal, whose valiant action exemplifies the highest degree of concern of one human being for another in distress.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Hill as an expression of our sincere admiration and esteem.

The resolution, H.J.R. 187, was read and referred to the Standing Committee on Rules.

H. 262 RESUMED

Representative Freeman offered the following amendment to the bill, H. 262, as amended:

On page 12, line 13, at the end of the line, add the following sentence: The annual license fee of an appraiser shall not be increased greater than 10 percent over the next five year period.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Buskey, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall (A), Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hilliard, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Warren, Williams, Willis and Zoghby.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Zoghby offered the motion to reconsider the vote by which the amendment offered by Representative Freeman to the bill, H. 262, as amended, was adopted and the motion to reconsider was adopted.

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Freeman to the bill, H. 262, as amended, and on motion of Representative Zoghby, the amendment was tabled.

Yeas 56; Nays 4.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bryant, Burke, Buskey, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Newton (C), Page, Parker (P), Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Warren, Williams, Willis and Zoghby.

-56

Nay:

Representatives Barnes, Carns, Haney and Payne.

- 4

S. 119 SUBSTITUTED FOR H. 262

On motion of Representative Zoghby, the bill, S. 119, was substituted for the bill, H. 262, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, S. 119, was adopted.

Yeas 69; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Butler, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Flowers, Ford, Fuller, Gaston, Goodwin, Hall (L), Hamilton, Hawkins, Hill, Hilliard, Holladay, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Turner, Warren, White, Williams, Willis and Zoghby.

-69

Nay:

Representatives Barnes and Payne.

- 2

And the bill:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 62; Nays 12.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Carns, Carter, Clay, Collins, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Hall (L), Hamilton, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, Mikell, Morton, Newton (C), Parker (T), Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Spratt, Turner, Warren, Williams and Zoghby.

-62

Nay:

Representatives Anderson, Barnes, Crow, Freeman, Hall (A), Holley, Melton, Morrow, Parker (P), Payne, Smith (C) and Willis.

-12

H. 262 INDEFINITELY POSTPONED

On motion of Representative Zoghby, the bill, H. 262, as amended, was indefinitely postponed.

H. 46 TAKEN UP

And the bill:

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

and the pending amendment #2 offered by Representative Holmes on the twelfth legislative day were taken up.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

Also:

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 655 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 655, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 1.

H. 46 RESUMED

The question was then on the adoption of amendment #2 offered by Representative Holmes to the bill, H. 46.

MOTION TO CARRY OVER LOST

The motion offered by Representative Laird to carry over the bill, H. 46, and the pending amendment #2 offered by Representative Holmes to the thirtieth legislative day was lost.

Yeas 17; Nays 52.

Yea:

Representatives Black (L), Bryant, Drake, Haynes, Johnson, Kennedy, Laird, Layson, McClain, McDowell, Newton (D), Page, Perdue, Poole, Rogers (J), Spratt and Williams.

-17

Nay:

Representatives Barnes, Beasley, Biddle, Black (M), Burke, Buskey, Cagle, Carns, Clark (W), Clay, Collins, Crow, Curry, Fuller, Gaines, Gaston, Goodwin, Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holley, Hooper, Knight (A), Knight (J), Kvalheim, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Warren and Willis.

-52

The question was then on the adoption of amendment #2 offered by Representative Holmes to the bill, H. 46, and the amendment #2 was adopted.

Yeas 49; Nays 19.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Buskey, Cagle, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Freeman, Fuller, Gullatt, Hall (A), Hammett, Hawkins, Haynes, Hilliard, Hogan, Kennedy, Knight (J), Lindsey, Mathis, McClain, McDowell, McMillan, Mikell, Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Powell, Rogers (J), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-49

Nay:

Representatives Anderson, Burke, Carns, Collins, Gaston, Haney, Hill, Kvalheim, Laird, McDaniel, McKee, Morton, Payne, Petelos, Poole, Richardson, Sanderford, Sanderson and Smith (R).

-19

And the bill, H. 46, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 5.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White and Willis.

-82

Nay:

Representatives Anderson, Black (L), Bryant, Laird and Page.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Zoghby intended to vote "Yea" on passage of the bill, H. 46.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 505.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 505, was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Venable, Warren, Willis and Zoghby.

-78

Nay:

Representative Drake.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 46. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED**H. 505 TEMPORARILY CARRIED OVER**

On motion of Representative Hammett, the bill, H. 505, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Ford, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 44.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 44, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Warren, Willis and Zoghby.

-73

And the bill:

H. 44. (With Substitute): To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the Special Educational Trust Fund in the State Treasury to the Gadsden State Community College the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30,

1994. The appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to Gadsden State Community College and shall be used to construct, designate, and maintain the library reference room in memory of the late Representative June Moore Bugg.

Section 2. There is appropriated from the Special Educational Trust Fund in the State Treasury to Alabama State University the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1994. The appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to Alabama State University and shall be used to computerize the library in memory of the late Representative John L. Buskey.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Warren, Willis and Zoghby.

-80

AMENDMENT OFFERED

Representative Ford offered the following amendment to the bill, H. 44, as amended:

Amend H. 44 on page 2, Section 1, line 7 by striking after the word to the following: construct,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Warren, Willis and Zoghby.

-83

And the bill, H. 44, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, Willis and Zoghby.

-83

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 44:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Warren, Willis and Zoghby.

RESOLUTION

The following resolution was introduced:

By Representative Turner:

H.R. 188. EXPRESSING THE WILL OF THE HOUSE ON A COST-OF-LIVING ADJUSTMENT FOR STATE EMPLOYEES.

WHEREAS, the Legislature has not provided a cost-of-living adjustment for state employees since 1990; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That it is the will of this body that if and when a Committee on Conference Reports on H. 172, providing for appropriations from the General Fund for the 1994-95 fiscal year, the report shall include sufficient funding for an eight percent cost-of-living adjustment for state employees.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Turner offered the motion to suspend the rules and adopt the resolution, H.R. 188.

DIVISION OF THE QUESTION

Representative Venable called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Turner to suspend the rules in order to take up for immediate consideration the resolution, H.R. 188, and the motion was adopted.

Yeas 69; Nays 5.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Cagle, Carns, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Payne, Penry, Poole, Richardson, Rogers (J), Smith (C), Smith (R), Spratt, Turner, Venable, Warren and Willis.

-69

Nay:

Representatives Beasley, Haney, Harper, Sanderford and Turnham.

- 5

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the resolution, H.R. 188:

On page 1, on line 19, delete the language "eight percent" and insert in lieu thereof: ten percent

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Holmes to the resolution, H.R. 188, was tabled.

Yeas 59; Nays 10.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Campbell, Carns, Carothers, Carter, Collins, Crow, Cullins, Dolbare, Drake, Ford, Fuller, Gaston, Goodwin, Gullatt, Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Holley, Knight (A), Kvalheim, Laird, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Newton (C), Parker (P), Payne, Penry, Powell, Richardson, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-59

Nay:

Representatives Barnes, Burke, Cagle, Freeman, Hall (A), Harvey, Hogan, Holmes, Morrow and Rogers (J).

-10

AMENDMENT OFFERED

Representative Payne offered the following amendment to the resolution, H.R. 188:

To amend H.R. 188 on line 20 by adding after the word "employees" the following: "providing the cost of living raise is not projected to cause proration on the State General Fund or any other fund affected by this raise."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 2.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harper, Harvey, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-80

Nay:

Representatives Barnes and Haney.

- 2

RESOLUTION ADOPTED

The question was then on the motion offered by Representative Turner to adopt the resolution, H.R. 188, as amended, and the resolution was adopted.

Yeas 70; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Cagle, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Harvey, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Powell, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-70

Nay:

Representatives Carothers, Harper, Mathis, Rockhold, Sanderford and Sanderson.

- 6

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Rockhold intended to vote "Yea" on adoption of the resolution H.R. 188.

BILLS ON THIRD READING RESUMED

And the bill:

H. 505. To amend Section 16-5-8, Code of Alabama 1975, to provide for a uniform articulation agreement among all institutions of higher education.

which previously was temporarily carried over was taken up.

AMENDMENT OFFERED

Representative Flowers offered the following amendment to the bill, H. 505:

On page 3, delete the language on lines 29 to 31, inclusive.

On page 4, delete the language on lines 1 to 19, inclusive, and insert in lieu thereof the following language:

(e) The computerized advisement system for students operated by Troy State University which includes a comprehensive undergraduate program and course information for all two-year and four-year institutions of higher education, existing on the effective date of this amendatory act, shall ensure students at each two-year institution accredited by the Southern Association's Commission on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to the four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall be treated by the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting programs shall be included in the official catalog of each institution of higher education. All two-year and four-year institutions in the state shall participate in this system.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey, Butler, Cagle, Carns, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hammett, Harper, Harvey, Hawkins, Higginbotham, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams and Willis.

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MOTION TO CARRY OVER LOST

The motion offered by Representative Turnham to carry over the bill, H. 505, as amended, to the fifteenth legislative day was lost.

Yeas 20; Nays 40.

Yea:

Representatives Beasley, Carns, Carothers, Freeman, Gaines, Hall (A), Hall (L), Hawkins, Haynes, Johnson, McDowell, McMillan, Morrow, Page, Parker (T), Payne, Penry, Poole, Powell and Turnham.

-20

Nay:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Box, Bryant, Burke, Campbell, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Fuller, Goodwin, Gullatt, Hammett, Higginbotham, Hill, Holley, Kennedy, Knight (A), Laird, Lindsey, McClain, McDaniel, McKee, Millican, Morton, Newton (C), Parker (P), Richardson, Sanderford, Venable, White, Willis and Zoghby.

-40

And the bill, H. 505, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 12.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-75

Nay:

Representatives Carothers, Freeman, Gaston, Hall (A), Harvey, Johnson, Kvalheim, McMillan, Morrow, Penry, Rogers (J) and Turnham.

-12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 172, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1994-95 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.
- (e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

<u>General</u> <u>Fund</u>	<u>Earmarked</u> <u>Funds</u>	<u>Appropriation</u> <u>Total</u>
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	10,651,667
--------------------------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund.....	9,951,667		
(2) Transfer from Revenue Department		200,000	
(3) Federal Funds.....		500,000	
Total Department of Examiners of Public Accounts.....	9,951,667	700,000	10,651,667

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	337,603
-------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	337,603		
Total Alabama Law Institute.....	337,603		337,603

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	288,347
(b) National Black Caucus of State Legislatures National Conference to be held in Birmingham.....	55,000

SOURCE OF FUNDS:

(1) State General Fund.....	343,347	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.		
Total Legislative Council.....	343,347	343,347

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....	1,202,101
-----------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	1,202,101	
Total Legislative Fiscal Office.....	1,202,101	1,202,101

5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program.....	1,797,049
-----------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	1,797,049	
Total Legislative Reference Service.....	1,797,049	1,797,049

6. LEGISLATURE:

(a) Legislative Operations and Support Program.....	12,964,279
-----------------------------------------------------	------------

It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House and (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

(b) Capital Outlay Program.....	1,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>14,464,279</u>	
Total Legislature.....	<u>14,464,279</u>	<u>14,464,279</u>

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.....	2,037,106
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,037,106</u>	
Total Court of Civil Appeals.....	<u>2,037,106</u>	<u>2,037,106</u>

The above appropriation to the Court of Civil Appeals includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program..... 2,335,226

SOURCE OF FUNDS:

(1) State General Fund..... 2,335,226Total Court of Criminal Appeals..... 2,335,226 2,335,2263. JUDICIAL BUILDING AUTHORITY,
ALABAMA:(a) Administrative Support Services
Program..... 4,147,431

SOURCE OF FUNDS:

(1) Judicial Building Authority Fund,
Estimated..... 4,147,431In accordance with Sections
41-10-260 through 41-10-284,
Code of Alabama 1975.Total Alabama Judicial Building
Authority..... 4,147,431 4,147,431

4. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program.... 118,200

SOURCE OF FUNDS:

(1) State General Fund..... 118,200Total Judicial Inquiry Commission..... 118,200 118,200

5. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program..... 1,625,000

SOURCE OF FUNDS:

(1) State General Fund..... 1,625,000Total Judicial Retirement Fund..... 1,625,000 1,625,000

6. SUPREME COURT:

(a) Court Operations Program..... 5,080,872

SOURCE OF FUNDS:

(1) State General Fund..... 5,080,872

Total Supreme Court..... 5,080,872 5,080,872

7. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service
Program..... 937,683

SOURCE OF FUNDS:

(1) State General Fund..... 892,683

(2) Departmental Receipts..... 45,000

Total Supreme Court Library..... 892,683 45,000 937,683

8. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program..... 75,056,826

(b) Administrative Services Program.... 3,649,750

(c) DUI Referral Program..... 67,658

(d) Fringe Benefit Program,
Estimated..... 545,000

(e) Court Equipment and Court Security
Program..... 1,029,952

(f) Judicial Building Operations
Program..... 4,147,431

SOURCE OF FUNDS:

(1) State General Fund..... 81,701,119

(2) State General Fund-Social
Security-County Judicial, Estimated 545,000

(3) State General Fund Transfer- Juvenile Justice Coordinating Council.....	17,105		
In accordance with Section 12-15-131, Code of Alabama 1975.			
(4) Court Referral Officer Fund.....	1,597,410		
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.			
(5) Juvenile Justice Fund-Balance Brought Forward.....	35,983		
(6) Court Automation Fund.....	600,000		
In accordance with Section 12-19-180, Code of Alabama 1975.			
Total Unified Judicial System.....	<u>82,263,224</u>	<u>2,233,393</u>	<u>84,496,617</u>

The above appropriation to the Unified Judicial System includes funding for Act 93-882 and new supernumerary positions. The above appropriation shall not be used to fund any district or circuit judgeships other than those in existence or authorized by law as of January 1, 1994.

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program.....	2,200
-----------------------------------------------------	-------

SOURCE OF FUNDS:

(1) State General Fund.....	2,200
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor.....	<u>2,200</u>	<u>2,200</u>
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program.....	639,712
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	639,712
------------------------------------------------------------	---------

As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy.....	639,712	639,712
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	517,960
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	506,160
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For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975.

(2) State General Fund-Administrative Costs.....	11,800
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As provided by Section 41-9-73, Code of Alabama 1975.

Total Board of Adjustment.....	517,960	517,960
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4. AERONAUTICS, DEPARTMENT
OF:

(a) Aeronautical Administration Program.....	408,244
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(b) Airport Improvement Program.....	566,756
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To be used only as grants for federal match to airports qualifying under the FAA National Plan of Integrated Airport Systems.

(c) Civil Air Patrol Program.....	46,500
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SOURCE OF FUNDS:

(1) State General Fund - Civil Air Patrol.....	46,500
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(2) Airport Development Fund-Aviation Fuel Tax.....	950,000
-----------------------------------------------------	---------

As provided by Section 4-2-42, Code of Alabama 1975.

(3) Airport Development Fund-Federal Funds.....	25,000
-------------------------------------------------	--------

Total Department of Aeronautics.....	46,500	975,000	1,021,500
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program.....	18,035,335
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(b) Economic Assistance Program.....	12,712,308
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SOURCE OF FUNDS:

(1) State General Fund.....	1,612,156
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(2) State General Fund-Medicaid Waiver.....	2,603,812
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(3) Federal and Local Funds.....	26,531,675
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Total Commission on Aging.....	4,215,968	26,531,675	30,747,643
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The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements. In addition to the above appropriation, there is hereby appropriated \$200,000 to the Commission on Aging from the State General Fund to be conditioned upon the availability of funds, the recommendation of the Director of Finance and the approval of the Governor.

6. AGRICULTURAL AND CONSER-
VATION DEVELOPMENT
COMMISSION:

(a) Water Resource Development
Program.....

1,849,499

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 1,774,499

(2) Alabama Agricultural and Conser-
vation Development Commission
Revolving Fund.....

75,000

As provided in Section 9-8A-4.1, Code
of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	1,774,499	75,000	1,849,499
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**7. AGRICULTURAL AND
INDUSTRIAL EXHIBIT
COMMISSION, ALABAMA:**

(a) Agricultural Development Services Program.....			41,235
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SOURCE OF FUNDS:

(1) State General Fund.....	41,235		
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Total Alabama Agricultural and Industrial Exhibit Commission.....	41,235		41,235
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**8. AGRICULTURAL CENTER
BOARD:**

(a) Agricultural Development Services Program.....			1,068,444
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(b) Alabama Equine Study Program.....			10,000
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SOURCE OF FUNDS:

(1) State General Fund.....	147,016		
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For expense and awarding of prizes
for fairs as provided in Section
2-7-21, Code of Alabama 1975 and
other livestock shows and exhibits
and other activities.

(2) State General Fund-Operations.....	343,379		
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(3) State General Fund-Livestock Coliseum.....	193,049		
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(4) State General Fund-Alabama Equine Study Program.....	10,000		
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(5) Livestock Coliseum Fund.....		385,000	
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Total Agricultural Center Board.....	693,444	385,000	1,078,444
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9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:

(a) Administrative Services Program....	2,229,855
(b) Agricultural Inspection Services Program.....	11,205,290
Of the above appropriation, \$75,000 shall be transferred to the Alabama Aquaculture Center in Gadsden, Alabama and \$783,256 shall be earmarked for the plant protection division.	
(c) Laboratory Analysis and Disease Control Program.....	4,419,634
(d) Agricultural Development Services Program.....	1,563,384
(e) Boll Weevil Eradication Program.....	1,200,000

SOURCE OF FUNDS:

(1) State General Fund.....	8,491,595
(2) Federal and Local Funds.....	2,544,794
(3) Shipping Point Inspection Fund.....	4,681,774

Pursuant to Section 2-9-20 et seq.,
Code of Alabama 1975.

(4) Agricultural Fund.....	4,900,000		
Total Department of Agriculture and Industries.....	8,491,595	12,126,568	20,618,163

In addition to the above appropriation
to the Department of Agriculture
and Industries, there is hereby
appropriated (1) \$200,000 for the
control of hog cholera and swine
diseases, (2) \$400,000 for the Boll
Weevil Eradication Program, and
(3) \$400,000 to the Alabama State

Fair to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

10. AGRICULTURAL MUSEUM BOARD, ALABAMA:

(a) Agricultural Promotional Program...	100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
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Total Alabama Agricultural Museum Board.....	100,000	100,000
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11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program.....	29,595
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SOURCE OF FUNDS:

(1) State General Fund.....	29,595	
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Total Alabama Trust Fund Board.....	29,595	29,595
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12. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Product Management Program.....	30,046,221
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(b) Enforcement Program.....	9,962,307
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The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1994-95 shall not be reduced below the level of services provided in this program in fiscal year 1993-94.

(c) Administrative Services Program....	4,324,492
-----------------------------------------	-----------

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$7,028,368. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund.....	44,333,020
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality

there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage
Control Board.....

44,333,020 44,333,020

13. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational
Licensing and Regulation
Program.....

252,500

SOURCE OF FUNDS:

(1) Fund of the Board for Registration
of Architects.....

252,500

As provided in Section 34-2-41, Code
of Alabama 1975.

Total Board for Registration of
Architects.....

252,500 252,500

14. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management
Program.....

2,951,181

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SOURCE OF FUNDS:

(1) State General Fund.....	2,701,216
(2) Federal and Local Funds.....	199,965
(3) Archives Historical Collections Fund.....	10,000
In accordance with Section 41-6-71, Code of Alabama 1975.	
(4) Archives Services Fund.....	40,000

In accordance with Section 41-6-76,
Code of Alabama 1975.

Total Department of Archives and History.....	2,701,216	249,965	2,951,181
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15. ATTORNEY GENERAL, OFFICE
OF THE:

(a) Legal Advice and Legal Services Program.....	11,312,322
(b) Fair Marketing Practices Program...	1,309,806

SOURCE OF FUNDS:

(1) State General Fund.....	5,983,935
(2) State General Fund - Consumer Protection.....	509,806
(3) Federal Funds.....	1,299,989
(4) Miscellaneous Receipts.....	4,628,398
(5) Attorney General's Litigation Support Fund.....	200,000

In accordance with Section 36-15-4.2,
Code of Alabama 1975.

Total Office of the Attorney General.....	6,493,741	6,128,387	12,622,128
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**16. AUCTIONEERS, ALABAMA
STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	121,686
-------------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	121,686	
Total Alabama State Board of Auctioneers.....	121,686	121,686

17. AUDITOR, STATE:

(a) Fiscal Management Program.....	685,830
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SOURCE OF FUNDS:

(1) State General Fund.....	685,830	
Total State Auditor.....	685,830	685,830

**18. BANKING DEPARTMENT,
STATE:**

(a) Charter, License and Regulate Financial Institutions Program.....	4,070,465
(b) Capital Outlay Program.....	35,000

SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,413,140	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund.....	692,325	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department.....	4,105,465	4,105,465

19. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Program	2,472,152
-----------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State Bar Association Fund.....	2,175,494
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As provided in Sections 34-3-4 and
34-3-44, Code of Alabama 1975.

(2) Federal and Local Funds.....	296,658
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As provided in Sections 34-3-44,
34-3-17 and 34-3-18, Code of
Alabama 1975.

Total Alabama State Bar Association...	2,472,152	2,472,152
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20. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....	44,975
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SOURCE OF FUNDS:

(1) State General Fund.....	44,975
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Total Bear Creek Development Authority.....	44,975	44,975
------------------------------------------------	--------	--------

21. BUILDING COMMISSION, STATE:

(a) Special Services Program.....	1,394,514
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SOURCE OF FUNDS:

(1) State General Fund.....	779,514
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(2) Miscellaneous Funds.....	615,000
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Total State Building Commission.....	779,514	615,000	1,394,514
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22. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....	8,000,825
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,065,506		
(2) Departmental Receipts, Estimated.....		6,935,319	
Total Alabama Building Renovation Finance Authority.....	1,065,506	6,935,319	8,000,825

23. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Management Program.....	19,036
--------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	19,036	
Total Cahawba Advisory Committee....	19,036	19,036

24. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....	929,304
----------------------------------	---------

In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	423,304		
(2) Children's Trust Fund, Estimated....		506,000	
Total Child Abuse and Neglect Prevention Board.....	423,304	506,000	929,304

25. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	152,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiroprac- tic Examiner's Fund.....	152,000
-------------------------------------------------------------------	---------

As provided in Section 34-24-143,
Code of Alabama 1975.

Total Alabama State Board of Chiro- practic Examiners.....	152,000	152,000
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26. CHOCCOLOCCO CREEK WA-
TERSHED CONSERVANCY
DISTRICT:

(a) Water Resource Development Program.....	23,250
------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	23,250
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Total Choccolocco Creek Watershed Conservancy District.....	23,250	23,250
----------------------------------------------------------------	--------	--------

27. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:

(a) Water Resource Development Program.....	147,144
------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	147,144
-----------------------------	---------

Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	147,144	147,144
----------------------------------------------------------------------	---------	---------

**28. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:**

(a) Water Resource Development Program.....	100,000
------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	100,000	100,000
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The above appropriation is for an Early
Warning Flood Control System and
is conditioned upon receiving
federal matching funds for said
purpose.

**29. CONSERVATION AND NATURAL
RESOURCES, DEPARTMENT OF:**

(a) State Land Management Program..	1,821,935
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(b) Outdoor Recreation Sites and Services Program.....	29,775,772
-----------------------------------------------------------	------------

(c) Marine Police Program.....	5,042,132
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(d) Wildlife Game and Fish Program....	18,769,581
----------------------------------------	------------

(e) Marine Resources Program.....	2,650,679
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(f) Administrative Services Program.....	4,192,944
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(g) Capital Outlay Program.....	1,158,000
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The appropriation to the Department of
Conservation and Natural
Resources shall include Alabama's
pro rata share of the Gulf States
Marine Fisheries Commission
operation expenses. The appropri-
ation to the Department of Conser-
vation and Natural Resources
includes funds for the maintenance,
staff and repair of the Governor's
official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Parks	587,047
(2) State General Fund-Transfer-Game and Fish Fund.....	146,931
To implement the provisions of Federal Regulation 50 CFR 80.4(a)(3).	
(3) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	13,764,650
(4) Game and Fish Fund-Federal and Local Funds.....	5,878,000
(5) State Lands Fund.....	1,821,935

The funds hereinabove appropriated from the State Lands Fund include funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(6) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts.....	1,800,679
(7) Marine Resources Fund-Federal and Local Funds.....	900,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(8) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	4,330,132
(9) Marine Police Fund-Federal and Local Funds.....	800,000
(10) State Parks Fund.....	929,934
(11) Parks Revolving Fund, Estimated	24,258,791
(12) State Parks Fund-Cigarette Tax....	4,000,000
(13) Administrative Funds.....	4,192,944

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	733,978	62,677,065	63,411,043
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30. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program.....	654,011
-------------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	654,011
----------------------------------------------------------------	---------

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	654,011	654,011
-------------------------------------------------------------	---------	---------

31. CORRECTIONS, DEPARTMENT
OF:

(a) Administrative Services and Logistical Support Program.....	10,241,885
--------------------------------------------------------------------	------------

(b) Institutional Services Corrections Program.....	135,185,517
--------------------------------------------------------	-------------

At least \$300,000 of the above appro-
priation shall be expended to
upgrade equipment and the training
facility at the state boot camp.

(c) Correctional Agricultural and Industries Program.....	17,045,933
--------------------------------------------------------------	------------

The Department of Corrections shall
not utilize any portion of its State
General Fund appropriation to
support the Correctional Industries
Program.

(d) Capital Outlay Program.....	675,000
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SOURCE OF FUNDS:

(1) State General Fund.....	137,968,334
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(2) Department of Corrections Industrial Revolving Fund.....	17,148,933
-----------------------------------------------------------------	------------

The Commissioner of the Department
of Corrections is authorized to
utilize funds herein appropriated as
matching contributions, where
required and appropriate, to
generate additional funds which
would effectively increase the
appropriations for the Department
of Corrections. Any such grant
funds so generated and in direct
support of the Department of
Corrections' operations are also
hereby appropriated.

(3) Drug Demand Reduction Fund.....	214,684	
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In accordance with Section
13A-12-283, Code of Alabama
1975.

(4) Federal Funds.....	816,384	
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(5) Departmental Receipts.....	7,000,000	
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Total Department of Corrections	137,968,334	25,180,001	163,148,335
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32. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	640,900
-----------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	640,900
-----------------------------------------------	---------

As provided in Section 34-7-42, Code
of Alabama 1975.

Total Alabama Board of Cosme- tology.....	640,900	640,900
----------------------------------------------	---------	---------

33. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	187,450
-----------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	187,450
-----------------------------------------------------------	---------

As provided in Section 34-8A-6, Code
of Alabama 1975.

Total Alabama Board of Examiners in Counseling.....	187,450	187,450
--------------------------------------------------------	---------	---------

34. CREDIT UNION ADMINIS-
TRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program.....	643,359
--------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) Alabama Credit Union Administra- tion Fund.....	643,359
--------------------------------------------------------	---------

As provided in Section 5-17-7, Code of
Alabama 1975.

Total Alabama Credit Union Administration.....	643,359	643,359
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35. CRIME VICTIMS COMPENSA-
TION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated.....	1,128,100
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compen- sation Commission Fund, Estimated.....	1,128,100
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To be expended in accordance with
Sections 15-23-1 through 15-23-23,
Code of Alabama 1975.

Total Alabama Crime Victims Compen- sation Commission.....	1,128,100	1,128,100
---------------------------------------------------------------	-----------	-----------

36. CRIMINAL JUSTICE INFORMA-
TION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program.....	4,391,540
-----------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,585,865
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(2) Miscellaneous Receipts.....	8,000
---------------------------------	-------

(3) Federal and Local Funds.....	1,797,675		
Total Alabama Criminal Justice Information Center.....	2,585,865	1,805,675	4,391,540

37. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....			250,551
(b) Administrative Services Program....			273,420
(c) Industrial Development Program-Alabama Development Office.....			4,226,943

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	4,126,943		
(2) State General Fund-Office of Minority Business.....	171,046		
(3) State General Fund-Small Business Office of Advocacy.....	102,374		
(4) State General Fund-Alabama Film Commission.....	250,551		
(5) Departmental Receipts.....		100,000	
Total Alabama Development Office.....	4,650,914	100,000	4,750,914

38. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....		60,000	
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Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....	60,000	60,000
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39. DISTRICT ATTORNEYS:

(a) Court Operations Program.....		14,308,902
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The proposed spending plan included
in the above total is as follows:

Salaries of District Attor-
neys.....3,390,692

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit.....128,097

Salaries and expenses of
Supernumerary District
Attorneys.....1,315,025

For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....123,745

2nd Judicial Circuit.....143,392

3rd Judicial Circuit.....229,383

4th Judicial Circuit.....407,612

5th Judicial Circuit.....378,493

6th Judicial Circuit.....371,207

7th Judicial Circuit.....236,116

8th Judicial Circuit.....162,643

9th Judicial Circuit.....178,968

10th Judicial Circuit.....548,880

11th Judicial Circuit.....117,155

12th Judicial Circuit.....305,767

13th Judicial Circuit.....	455,236
14th Judicial Circuit.....	157,500
15th Judicial Circuit.....	474,400
16th Judicial Circuit.....	230,132
17th Judicial Circuit.....	149,107
18th Judicial Circuit.....	284,202
19th Judicial Circuit.....	191,896
20th Judicial Circuit.....	277,726
21st Judicial Circuit.....	182,186
22nd Judicial Circuit.....	205,466
23rd Judicial Circuit.....	407,917
24th Judicial Circuit.....	156,832
25th Judicial Circuit.....	156,119
26th Judicial Circuit.....	262,021
27th Judicial Circuit.....	177,165
28th Judicial Circuit.....	232,787
29th Judicial Circuit.....	281,665
30th Judicial Circuit.....	221,895
31st Judicial Circuit.....	130,209
32nd Judicial Circuit.....	198,248
33rd Judicial Circuit.....	143,664
34th Judicial Circuit.....	122,037
35th Judicial Circuit.....	160,687
36th Judicial Circuit.....	115,113

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37th Judicial Circuit.....212,234
38th Judicial Circuit.....193,017
39th Judicial Circuit.....145,890
40th Judicial Circuit.....119,315
**Travel Expenses of District
Attorneys.....60,176**

**Investigators Subsistence-Section
36-21-2, Code of Alabama
1975.....166,885**

SOURCE OF FUNDS:

(1) State General Fund.....	<u>14,308,902</u>	
Total District Attorneys.....	<u>14,308,902</u>	<u>14,308,902</u>

**40. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:**

(a) Administrative Support Program.....	7,242,148
(b) Planning Program.....	51,197,636

Of the above appropriation, at least
\$600,000 shall be spent for the
Regional Planning Commissions.

(c) Special Services Program.....	23,647,205
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Of the above appropriation (1) \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties, (2) \$300,000 shall be paid into the Teachers' Retirement System on behalf of Community Action Agency personnel, and (3) at least \$500,000 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.

(d) Skills Enhancement and Employment Opportunities Program.....	59,381,450
(e) Energy Management Program.....	4,341,700
(f) Police Services Program.....	4,558,424
(g) Law Enforcement Planning and Development Program.....	12,660,925
(h) Surplus Property Program.....	3,468,763
(i) Water Resources Program.....	1,261,700

SOURCE OF FUNDS:

(1) State General Fund.....	9,766,247		
(2) Federal and Local Funds.....		147,857,309	
(3) Administrative Transfers and Other Departmental Receipts.....		6,738,657	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		2,704,331	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		693,407	
Total Alabama Department of Economic and Community Affairs.....	9,766,247	157,993,704	167,759,951

41. EDUCATION, DEPARTMENT OF:

(a) Rehabilitation Services Program....	4,567,763
-----------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,870,341		
(2) State General Fund-Eye Injury Register.....	41,234		
(3) Federal and Local Funds.....		2,656,188	
Total Department of Education.....	1,911,575	2,656,188	4,567,763

**42. ELECTRICAL CONTRACTORS,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	96,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....	96,000
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As provided in Section 34-36-17, Code
of Alabama 1975.

Total Board of Electrical Contractors....	96,000	96,000
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**43. ELK RIVER DEVELOPMENT
AGENCY:**

(a) Water Resource Development Program.....	3,517
------------------------------------------------	-------

SOURCE OF FUNDS:

(1) State General Fund.....	3,517
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Total Elk River Development Agency...	3,517	3,517
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**44. EMERGENCY MANAGEMENT
AGENCY:**

(a) Readiness and Recovery Program.....	10,489,880
--------------------------------------------	------------

(b) Transfer to County Emergency Management Agencies.....	325,500
--------------------------------------------------------------	---------

The above appropriation of \$325,500
is in addition to the regular
allocations to county emergency
management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,144,081
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(2) Federal and Local Funds.....	9,671,299
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Total Emergency Management Agency.....	1,144,081	9,671,299	10,815,380
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45. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....	21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511	
Total Southern States Energy Board....	21,511	21,511

46. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....	669,429
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SOURCE OF FUNDS:

(1) Professional Engineers Fund.....	669,429	
As provided in Section 34-11-36, Code of Alabama 1975.		
Total State Board of Registration for Professional Engineers and Land Surveyors.....	669,429	669,429

47. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program.....	51,467,252
-------------------------------------------	------------

Of the above appropriation the sum of \$20,000 shall be used to monitor water quality of Portersville Bay. The department may not assess charges of any type to NPDES permit holders to offset the cost of monitoring.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	4,529,054
(2) State General Fund-Transfer to Water Pollution Control Authority.....	940,751
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	42,761
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.	
(4) Environmental Management Fines and Fees.....	12,961,060
As provided in Section 22-22A-11 Code of Alabama 1975.	
(5) Federal Funds.....	14,602,235
(6) Federal Match-Water Pollution Control Authority.....	11,000,000
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund.....	705,000
As provided in Section 22-35-9, Code of Alabama 1975.	
(8) Underground and Aboveground Storage Tank Trust Fund.....	4,705,000
As provided in Section 22-35-5, Code of Alabama 1975.	
(9) Environmental Education Fund.....	750,000
In accordance with Section 32-6-156.1, Code of Alabama 1975.	
(10) Hazardous Substance Cleanup Fund.....	250,000

In accordance with Sections 22-30A-3
through 22-30A-11, Code of
Alabama 1975.

(11) SRF Administrative Fees..... 981,391

In accordance with Section 22-34-3,
Code of Alabama 1975.

Total Department of Environmental Management.....	<u>5,512,566</u>	<u>45,954,686</u>	<u>51,467,252</u>
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48. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program.....	369,070
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>369,070</u>
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Total Alabama Ethics Commission.....	<u>369,070</u>	<u>369,070</u>
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49. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program.....	174,474
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(b) Capital Outlay Program.....	443,845
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SOURCE OF FUNDS:

(1) State General Fund.....	130,039
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(2) State General Fund-Capital Outlay	443,845
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(3) Farmers' Market Authority Fund.....	<u>44,435</u>
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Total Farmers' Market Authority.....	<u>573,884</u>	<u>44,435</u>	<u>618,319</u>
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50. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....	5,239,459
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(b) Administrative Support Services Program.....	4,215,000
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SOURCE OF FUNDS:

(1) State General Fund.....	9,235,459		
(2) Miscellaneous Funds.....		219,000	
Total Department of Finance.....	9,235,459	219,000	9,454,459

51. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....		8,051,229	
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SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....	8,051,229		
Total Department of Finance - Capitol Complex Maintenance and Repair...	8,051,229	8,051,229	

52. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING FUND:

(a) Administrative Support Services Program.....		22,040,203	
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	22,040,203		
Total Department of Finance - Data Center Revolving Fund	22,040,203	22,040,203	

53. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:

(a) Administrative Support Services Program.....		7,274,648	
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund.....	7,274,648		
Total Department of Finance - Mail and Supply.....	7,274,648	7,274,648	

**54. FINANCE, DEPARTMENT OF -
MOTOR POOL:**

(a) Administrative Support Services Program.....	1,816,031	
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	1,816,031	
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Total Department of Finance - Motor Pool.....	1,816,031	1,816,031
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**55. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:**

(a) Administrative Support Services Program.....	6,148,869	
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	6,148,869	
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Total Department of Finance - Printing and Publications.....	6,148,869	6,148,869
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**56. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:**

(a) Administrative Support Services Program.....	2,122,120	
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SOURCE OF FUNDS:

(1) State Insurance Fund Administration.....	1,245,848	
----------------------------------------------	-----------	--

As provided in Sections 41-15-1, et seq., Code of Alabama 1975.

(2) General Liability Trust Fund-Administration.....	876,272	
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As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.

Total Department of Finance-Risk Management.....	2,122,120	2,122,120
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57. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	16,052,788
-----------------------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,494,350		
(2) Telephone Revolving Fund, Estimated.....		14,558,438	
Total Department of Finance - Telephone Revolving Fund.....	1,494,350	14,558,438	16,052,788

58. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....	108,126
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SOURCE OF FUNDS:

(1) State General Fund.....	108,126		
Total Foreign Trade Relations Commission.....	108,126		108,126

59. FORENSIC SCIENCES, DEPART-
MENT OF:

(a) Forensic Science Services Program.....	7,213,348
-----------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	6,667,552		
(2) Federal and Local Funds.....		545,796	
Total Department of Forensic Sciences	6,667,552	545,796	7,213,348

60. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	45,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	45,000
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As provided in Section 34-12-36, Code
of Alabama 1975.

Total Alabama State Board of Regis- tration for Foresters.....	45,000	45,000
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61. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program.....	24,669,966
-----------------------------------------------------------------	------------

(b) Capital Outlay Program.....	519,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	12,607,588
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(2) Federal and Local Funds.....	4,783,981
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(3) Forestry Commission Fund.....	7,797,897
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Total Alabama Forestry Commission....	12,607,588	12,581,878	25,189,466
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Of the above appropriation to the
Alabama Forestry Commission,
\$2,365,902 shall be used for rural
and community fire protection, and
\$412,348 shall be used for forestry
research, marketing, management
and environmental improvement
grants and \$25,000 shall be
expended for the Pine Beetle
Project at the University of North
Alabama.

62. FOREVER WILD LAND TRUST,
BOARD OF:

(a) Capital Outlay Program.....	2,077,665
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(b) Administration Program.....	577,130
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Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund.....	2,654,795	
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In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219.

Total Board of Forever Wild Land Trust.....	2,654,795	2,654,795
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63. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	156,000	
-------------------------------------------------------------------------	---------	--

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	156,000	
-------------------------------------------------------	---------	--

As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service.....	156,000	156,000
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64. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,186,173	
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SOURCE OF FUNDS:

(1) State General Fund.....	2,113,066	
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(2) Federal and Local Funds.....		1,073,107	
Total Geological Survey.....	2,113,066	1,073,107	3,186,173

65. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....			4,124
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SOURCE OF FUNDS:

(1) State General Fund.....	4,124		
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board.....	4,124		4,124
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66. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program.....			569,100
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SOURCE OF FUNDS:

(1) State General Fund.....	569,100		
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Total Governor's Contingency Fund.....	569,100		569,100
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67. GOVERNOR'S MANSION:

(a) Executive Direction Program.....			430,659
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(b) Capital Outlay Program.....			60,000
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SOURCE OF FUNDS:

(1) State General Fund.....	490,659		
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Total Governor's Mansion.....	490,659		490,659
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68. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program.....			7,189
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SOURCE OF FUNDS:

(1) State General Fund.....	7,189	
Total Governor's Mansion Advisory Board.....	7,189	7,189

69. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	3,218,375
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SOURCE OF FUNDS:

(1) State General Fund.....	3,218,375	
Total Governor's Office.....	3,218,375	3,218,375

70. GOVERNOR'S OFFICE ON
VOLUNTEERISM:

(a) Executive Direction Program.....	77,954
--------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	77,954	
Total Governor's Office on Volunteerism.....	77,954	77,954

71. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Services Program.....	123,404,435
(b) Health Support Services Program...	171,107,951

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program....	15,372,227
-----------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund.....	27,990,342		
(2) Cigarette Tax-\$0.01 and \$0.02.....		1,600,000	
As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.			
(3) Vital Statistics Fund.....		3,775,785	
(4) Hospital Licensing Fund.....		425,000	
(5) Emergency Medical Services Fund		56,000	
As provided in Section 22-18-4, Code of Alabama 1975.			
(6) Local Health Departments.....		110,840,400	
(7) Milk Permit Fee.....		50,000	
In accordance with Sections 20-1-140 through 20-1-146, Code of Alabama 1975.			
(8) Radiation Safety Fund.....		1,745,976	
(9) Miscellaneous Funds.....		15,485,772	
(10) Federal Funds.....		35,738,665	
(11) WIC Funds.....		86,192,570	
(12) The Alabama Legacy for Environ- mental Research Trust Fund.....		500,000	
As provided in Section 22-30B-19, Code of Alabama 1975.			
(13) Health-Medicaid Fund.....		25,484,103	
Total Department of Public Health.....	27,990,342	281,894,271	309,884,613

Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

**72. HEALTH PLANNING AGENCY,
STATE:**

(a) Health Planning Development and Regulation Program.....	802,199
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SOURCE OF FUNDS:

(1) State General Fund.....	192,199		
(2) Certificate of Need Fees.....		500,000	
(3) Departmental Receipts.....		50,000	
(4) Federal Funds.....		60,000	
Total State Health Planning Agency.....	192,199	610,000	802,199

**73. HEARING AID DEALERS,
ALABAMA BOARD OF:**

(a) Professional and Occupational
Licensing and Regulation Program
48,731

SOURCE OF FUNDS:

(1) State Board of Health - Hearing Aid Fund.....	48,731
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As provided in Section 34-14-33, Code of Alabama 1975.

Total Alabama Board of Hearing Aid Dealers.....	48,731	48,731
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74. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program
339,717

SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	339,717	
--------------------------------------------------------	---------	--

As provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975.

Total Board of Heating and Air Conditioning Contractors.....	339,717	339,717
--------------------------------------------------------------	---------	---------

75. HERITAGE TRUST FUND, ALABAMA:

(a) Fiscal Management Program.....	20,000	
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
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Total Alabama Heritage Trust Fund.....	20,000	20,000
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76. HISTORIC BLAKELEY AUTHORITY:

(a) Historical Resources Management Program.....	350,000	
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SOURCE OF FUNDS:

(1) State General Fund.....	350,000	
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Total Historic Blakeley Authority.....	350,000	350,000
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77. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program.....	139,035	
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SOURCE OF FUNDS:

(1) State General Fund.....	139,035	
<hr/>		
Total Historic Chattahoochee Commission.....	139,035	139,035
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The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama.

In addition to the above appropriation to the Historic Chattahoochee Commission there is also hereby appropriated \$50,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

78. HISTORICAL COMMISSION,
ALABAMA:

(a) Historical Resources Management Program.....	4,323,991
(b) Capital Outlay Program.....	41,989

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,326,932
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The above appropriation shall be distributed as follows:

Historical Commission,
Alabama.....748,492

Historical Commission, Alabama-La
Grange.....6,529

Historical Commission,
Alabama-Magnolia Grove.....31,911

Historical Commission, Alabama-Fort
Morgan.....151,998

Historical Commission, Alabama-Fort
Morgan-Capital Outlay.....41,989

Historical Commission, Alabama-Fort
Toulouse.....92,620

Historical Commission, Alabama-John
T. Morgan House, Selma.....9,623

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Cahaba.....125,966

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Gaineswood.....62,350

Historical Commission, Alabama-State
Capitol.....905,454

Ft. Payne, Bridgeport and Stevenson
Historical Depots/Museums. .50,000

Mainstreet Program.....100,000

(2) Soldiers Fund..... 181,413

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 1,257,635

(4) Federal and Local Funds..... 600,000

Total Alabama Historical Commission. .	<u>2,326,932</u>	<u>2,039,048</u>	<u>4,365,980</u>
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79. HOME BUILDERS LICENSURE BOARD:

(a) Professional and Occupational Licensing and Regulation Program.....	661,820
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SOURCE OF FUNDS:

(1) Home Builders Licensure Board Fund.....	661,820
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In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.

Total Home Builders Licensure Board.....	661,820	661,820
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80. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Human Services Program.....	455,041,667
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It is the intent of the Legislature that
allotments be made to the County
Departments of Human Resources
in the amount of \$165,500 to fund,
upon approval of the county
department director, supplemental
client services not otherwise
provided for through existing
programs of the Department of
Human Resources. Allotments to
the county departments based on
the counties' populations according
to the 1990 census are as follows:
county populations greater than
50,000, \$3,500; county populations
less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	39,591,354
(2) Federal and Local Funds.....	307,760,487
(3) ABC Profits.....	700,000
(4) Whiskey Tax.....	21,650,000
(5) Beer Tax.....	9,100,000
(6) Pension Residue.....	18,000,000

(7) Sales Tax.....	1,322,000
(8) Franchise Tax.....	17,200,000
(9) Child Support Collections.....	6,614,676
(10) Sales Tax for Food Stamps, Estimated.....	24,334,150
In accordance with Section 40-23-35, Code of Alabama 1975.	
(11) Cigarette Tax.....	3,900,000
(12) Contractor's Gross Receipts Tax. .	3,000,000
(13) Foster Care Trust Fund.....	400,000
(14) Child Support Interest and Fees. . .	356,000
(15) Miscellaneous Receipts.....	1,113,000
Total Department of Human Resources.....	39,591,354 415,450,313 455,041,667

Of the above appropriation to the Department of Human Resources, at least \$1,470,000 shall be utilized to comply with the R.C. v. Hornsby consent decree. In addition to the above appropriation to the Department of Human Resources, there is also hereby appropriated an amount up to \$7,312,000 to be utilized in increasing the total AFDC benefit payments by up to 16%, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**81. INDIAN AFFAIRS COMMISSION,
ALABAMA:**

(a) Social Services Program.....	200,000
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000	
Total Alabama Indian Affairs Commission.....	200,000	200,000

82. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:

(a) Industrial Development Program.....		300,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....	300,000	
Total State Industrial Development Authority.....	300,000	300,000

83. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program.....		47,270,051
(b) Industrial Safety and Accident Prevention Program.....		5,197,973

Of the above appropriation, at least \$117,505 shall be expended for the enforcement of child labor laws.

(c) Administrative Services Program....		12,247,154
(d) Workers' Compensation Program...		4,051,958
(e) Capital Outlay Program.....		590,000

SOURCE OF FUNDS:

(1) State General Fund.....	809,804	
(2) Federal and Local Funds.....	68,547,332	
Total Department of Industrial Relations.....	809,804	69,357,136

84. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	3,944,680
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SOURCE OF FUNDS:

(1) State General Fund.....	1,994,786		
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(2) Fire Marshal's Fund.....		324,890	
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As provided in Sections 34-33-11 and
8-17-211, Code of Alabama 1975.

(3) Examination Revolving Fund.....		1,625,004	
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Total Department of Insurance.....	1,994,786	1,949,894	3,944,680
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85. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program.....	1,019,208
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,019,208
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Total State Employees' Insurance Board.....	1,019,208	1,019,208
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**86. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:**

(a) Professional and Occupational Licensing and Regulation Program.....	14,900
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	14,900
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As provided in Section 34-15A-7,
Code of Alabama 1975.

Total Alabama State Board of Regis- tration for Interior Designers.....	14,900	14,900
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87. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....	391,867
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SOURCE OF FUNDS:

(1) State General Fund.....	292,763		
(2) Federal and Local Funds.....		99,104	
Total Department of Labor.....	292,763	99,104	391,867

**88. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	39,048
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....	39,048		
As provided in Section 34-17-6, Code of Alabama 1975.			
Total Board of Examiners of Landscape Architects.....		39,048	39,048

**89. LIEUTENANT GOVERNOR,
OFFICE OF THE:**

(a) Legislative Operations and Support Program.....	556,657
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SOURCE OF FUNDS:

(1) State General Fund.....	556,657		
Total Office of the Lieutenant Governor.....	556,657		556,657

**90. LIQUEFIED PETROLEUM GAS
BOARD:**

(a) Regulatory Services Program.....	544,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....	469,000	
(2) Liquefied Petroleum Gas Research and Education Fund.....	75,000	
Total Liquefied Petroleum Gas Board. .	544,000	544,000

**91. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:**

(a) Agricultural Development Service Program.....		6,000
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	6,000	
In accordance with Sections 2-15-115 through 2-15-127, Code of Alabama 1975.		
Total Alabama Public Livestock Market Board.....	6,000	6,000

**92. MANUFACTURED HOUSING
COMMISSION, ALABAMA:**

(a) Regulatory Services Program.....		1,346,086
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,306,086	
As provided in Section 24-6-4, Code of Alabama 1975.		
(2) Transfer from Manufactured Homes Title Fee Receipts Levied in Section 32-8-6, Code of Alabama 1975.....	40,000	
Total Alabama Manufactured Housing Commission.....	1,346,086	1,346,086

93. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....	1,873,521,548
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The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided. The above appropriation shall include a reimbursement of the maximum amount available for rural hospitals that own and operate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall reimburse 20% of said funds to any qualifying Hill-Burton hospital in the same county that provides support for the schools of nursing in the rural hospital.

SOURCE OF FUNDS:

(1) State General Fund.....	139,209,333
(2) Transfer from Department of Human Resources.....	16,951,452
(3) Transfer from Mental Health.....	50,828,288
(4) Transfer from Commission on Aging.....	4,400,857
(5) Transfer from Department of Public Health.....	7,839,272
(6) Transfer from Department of Youth Services.....	189,897
(7) Transfer from Department of Education.....	3,114,275

(8) Transfer from Children's Rehabilitation Services.....	1,811,168
(9) Public Hospitals Transfer.....	238,700,000
(10) Departmental Receipts.....	6,500,000
(11) Federal and Local Funds.....	1,348,507,096
(12) Alabama Health Care Trust Fund.....	55,000,000
(13) Unencumbered Balance Brought Forward.....	95,820
(14) Transfer from University of Alabama in Birmingham.....	374,090
Total Alabama Medicaid Agency.....	<u>139,209,333 1,734,312,215 1,873,521,548</u>

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

In addition to the above appropriation to the Alabama Medicaid Agency, there is hereby conditionally appropriated \$7,790,667 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

94. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	4,124
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SOURCE OF FUNDS:

(1) State General Fund.....	4,124	
Total Alabama Men's Hall of Fame.....	4,124	4,124

95. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Institutional Treatment and Care-Mental Illness Program.....		114,283,746
(b) Institutional Treatment and Care-Mental Retardation Program...		74,273,617
(c) Administrative Services Program....		13,787,525
(d) Community Services Program.....		134,700,244
(1) Mental Illness Services..	64,656,117	
(2) Substance Abuse Ser- vices.....	21,552,039	

Of the above appropriations for Mental Illness Services and Substance Abuse Services, \$50,998,010 and \$17,943,352 respectively shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19).

(3) Mental Retardation Ser- vices.....	48,492,088
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	62,921,420
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(2) Special Mental Health Trust Fund...	110,591,356
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For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits.....	1,000,000
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(4) Cigarette Tax.....	3,017,140
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(5) Departmental Receipts.....	2,036,995
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(6) Indigent Offender Alcohol/ Drug Treatment Fund.....	190,000
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(7) Federal and Local Funds.....	157,288,221
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Total Department of Mental Health and Mental Retardation.....	<u>62,921,420</u>	<u>274,123,712</u>	<u>337,045,132</u>
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In addition to the above appropriation to the Department of Mental Health and Mental Retardation, there is hereby conditionally appropriated an amount not to exceed \$1,093,203 for capital outlay from the Special Mental Health Trust Fund to be conditioned upon the availability of funds in the Special Mental Health Trust Fund, the recommendation of the Director of Finance and the approval of the Governor.

96. MILITARY DEPARTMENT:

(a) Military Operations Program.....	5,453,482
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(b) State Defense Force.....	10,000
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SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,632,482	
(2) State General Fund-Quarterly Allowances Headquarters.....	1,500,000	
(3) State General Fund-Active Military Service.....	15,000	
(4) State General Fund-Transfer to Armory Commission.....	2,300,000	
(5) State General Fund-Dropping Allowance.....	3,000	
(6) State General Fund-State Defense Force.....	13,000	
Total Military Department.....	<u>5,463,482</u>	<u>5,463,482</u>

**97. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:**

(a) Military Operations Program.....	7,787,613
(b) Capital Outlay Program.....	57,000

SOURCE OF FUNDS:

(1) Transfer from Military Department...	2,300,000
(2) Federal and Local Funds.....	5,398,573
(3) Military Department Billeting Revolving Fund, Estimated.....	69,040
(4) Departmental Receipts.....	77,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that

the last federal government service contract reimbursement shall not revert to the State General Fund and any unobligated balance remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama.....	7,844,613	7,844,613
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98. MOTOR SPORTS HALL OF FAME:

(a) Historical Resources Management Program.....	154,732
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SOURCE OF FUNDS:

(1) State General Fund.....	154,732
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Total Motor Sports Hall of Fame.....	154,732	154,732
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99. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program.....	220,559
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SOURCE OF FUNDS:

(1) State General Fund.....	220,559
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Total Alabama Music Hall of Fame.....	220,559	220,559
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100. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	2,173,510
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	2,173,510
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As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing.....	2,173,510	2,173,510
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101. NURSING HOME ADMIN-
ISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....		84,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	84,000	
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As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators.....	84,000	84,000
-----------------------------------------------------------------	--------	--------

102. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		45,000
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	45,000	
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As provided in Section 34-39-6, Code
of Alabama 1975.

Total Alabama State Board of Occupa- tional Therapy.....	45,000	45,000
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103. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program.....		2,257,452
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SOURCE OF FUNDS:

(1) State General Fund.....	2,087,452		
(2) Oil and Gas Board Special Fund.....		150,000	
(3) Surety Bond Deposits, Estimated....		20,000	

In accordance with Section 9-17-6,
Code of Alabama 1975.

Total Oil and Gas Board.....	<u>2,087,452</u>	<u>170,000</u>	<u>2,257,452</u>
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104. OLYMPIC COORDINATION
BOARD:

(a) Tourism and Travel Promotion Program.....	1,250,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,250,000</u>		
Total Olympic Coordination Board.....	<u>1,250,000</u>		<u>1,250,000</u>

105. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....	15,044,713
-----------------------------------------------------------	------------

SOURCE OF FUNDS:

(1) State General Fund.....	11,422,117		
(2) Probationers Upkeep Fund.....		3,495,796	

In accordance with Section 15-22-2,
Code of Alabama 1975.

(3) Local Funds.....		<u>126,800</u>	
Total Board of Pardons and Paroles....	<u>11,422,117</u>	<u>3,622,596</u>	<u>15,044,713</u>

106. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....	418,157
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....	418,157
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund.....	418,157	418,157
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107. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....	3,891,577
--------------------------------------------------	-----------

SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy.....	369
(2) Department of Aeronautics.....	527
(3) Commission on Aging.....	2,054
(4) Department of Agriculture and Industries.....	38,553
(5) Agricultural and Conservation Development Commission.....	53
(6) Agricultural Center Board.....	1,659
(7) Alcoholic Beverage Control Board. .	88,587
(8) Board of Registration for Architects.....	158
(9) Archives and History.....	5,635
(10) State Council on the Arts.....	1,843
(11) Attorney General's Office.....	15,695
(12) Board of Auctioneers.....	53

(13) State Auditor.....	1,633
(14) State Banking Department.....	4,793
(15) Building Commission.....	2,054
(16) Alabama Building Renovation Finance Authority.....	12,746
(17) Child Abuse and Neglect Prevention Board.....	421
(18) Chiropractic Examiners.....	105
(19) Choctawhatchee-Pea Rivers Watershed.....	53
(20) Department of Conservation and Natural Resources.....	171,643
(21) State Licensing Board for General Contractors.....	685
(22) Department of Corrections.....	354,242
(23) Board of Cosmetology.....	1,317
(24) Credit Union Administration.....	790
(25) Alabama Crime Victims Compen- sation Commission.....	1,422
(26) Criminal Justice Information Center.....	5,951
(27) Alabama Development Office.....	4,951
(28) Board of Dietetics and Nutrition.....	53
(29) State Docks.....	35,919
(30) Department of Economic and Community Affairs.....	33,602
(31) Department of Education.....	155,738
(32) Electrical Contractors Board.....	53

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(33) Emergency Management Agency	5,530
(34) Employees' Insurance Board.....	1,475
(35) Board of Registration for Professional Engineers and Land Surveyors.....	632
(36) Department of Environmental Management.....	46,821
(37) Ethics Commission.....	843
(38) Examiners of Public Accounts.....	24,016
(39) Farmers' Market Authority.....	211
(40) Finance Department.....	55,512
(41) Foreign Trade Relations Commission.....	105
(42) Department of Forensic Sciences.....	13,746
(43) Forestry Commission.....	54,564
(44) Funeral Services Board.....	158
(45) Governor's Office.....	3,739
(46) Department of Public Health.....	507,504
(47) State Health Planning Agency.....	1,738
(48) Board of Heating and Air Condi- tioning Contractors.....	474
(49) Alabama Historical Commission....	8,953
(50) Home Builders Licensure Board....	53
(51) Department of Human Resources.....	480,117
(52) Alabama Indian Affairs Commission.....	158

(53) Department of Industrial Relations.....	189,129
(54) Insurance Department.....	7,268
(55) Judicial Inquiry Commission.....	158
(56) Department of Labor.....	737
(57) Legislative Reference Service.....	211
(58) Liquefied Petroleum Gas Board....	895
(59) Manufactured Housing Commission.....	1,527
(60) Alabama Medicaid Agency.....	57,513
(61) Department of Mental Health and Mental Retardation.....	524,410
(62) Military Department.....	26,544
(63) Board of Nursing.....	2,791
(64) Board of Examiners of Nursing Home Administrators.....	53
(65) Board of Occupational Therapy....	53
(66) Oil and Gas Board.....	11,745
(67) Pardons and Paroles.....	39,290
(68) Peace Officers' Annuity and Benefit Fund.....	369
(69) Peace Officers' Standards and Training Commission.....	421
(70) Physical Fitness Commission.....	527
(71) Board of Physical Therapy.....	158
(72) Plumbers and Gas Fitters Examiners Board.....	1,527
(73) Public Library Service.....	5,530

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(74) Department of Public Safety.....	129,351	
(75) Public Service Commission.....	14,800	
(76) Alabama Educational Television Commission.....	8,111	
(77) Real Estate Appraisers Board.....	579	
(78) Real Estate Commission.....	2,001	
(79) Retirement Systems.....	18,592	
(80) Department of Revenue.....	142,940	
(81) Secretary of State.....	4,055	
(82) Securities Commission.....	1,949	
(83) Board of Social Work Examiners...	158	
(84) Soil and Water Conservation Committee.....	263	
(85) Surface Mining Commission.....	3,634	
(86) Bureau of Tourism and Travel.....	7,795	
(87) Department of Transportation.....	477,905	
(88) State Treasurer.....	4,793	
(89) Department of Veterans' Affairs....	6,636	
(90) Board of Veterinary Medical Examiners.....	158	
(91) Voter Registration.....	158	
(92) Department of Youth Services.....	46,031	
(93) Miscellaneous Receipts.....	1,106	
Total State Personnel Department.....	3,891,577	3,891,577

**108. PHYSICAL THERAPY, BOARD
OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	150,411
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SOURCE OF FUNDS:

(1) Physical Therapist Fund.....	150,411
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As provided in Section 34-24-195,
Code of Alabama 1975.

Total Board of Physical Therapy.....	150,411	150,411
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**109. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program.....	1,000,000
-------------------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,000,000
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As provided in Section 34-37-5, Code
of Alabama 1975.

Total Alabama Plumbers and Gas Fitters Examining Board.....	1,000,000	1,000,000
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**110. POLYGRAPH EXAMINERS,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	15,000
-------------------------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund.....	15,000
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As provided in Section 34-25-5, Code
of Alabama 1975.

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Total Board of Polygraph Examiners....	15,000	15,000
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**111. PROSECUTION SERVICES,
OFFICE OF:**

(a) Prosecution, Training, Education and Management Program.....		1,338,728
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SOURCE OF FUNDS:

(1) State General Fund.....	216,401	
(2) Office of Prosecution Services Fund.....		1,122,327

Total Office of Prosecution Services....	216,401	1,122,327
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**112. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program.....		114,874
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....	114,874	
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As provided in Section 34-26-43, Code
of Alabama 1975.

Total Alabama Board of Examiners in Psychology.....	114,874	114,874
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**113. PUBLIC SAFETY, DEPART-
MENT OF:**

(a) Police Services Program.....		28,824,980
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(b) Public Safety Support Services Program.....		11,457,084
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(c) Administrative Services Program....		18,641,458
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SOURCE OF FUNDS:

(1) State General Fund.....	44,165,588	
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(2) Transfer from ABC Profits.....	2,000,000
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(3) Transfer from Public Road and Bridge Fund-Act 91-797.....	3,500,000
------------------------------------------------------------------	-----------

Notwithstanding the provisions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.

(4) Federal and Local Funds.....	3,588,702
----------------------------------	-----------

(5) Automated Fingerprint Identification System Fund.....	827,232
-----------------------------------------------------------	---------

In accordance with Section 32-2-61, Code of Alabama 1975.

(6) Public Safety Law Enforcement Fund.....	4,000,000
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In accordance with Section 32-6-5, Code of Alabama 1975.

(7) Drug Offenders Reinstatement.....	75,000
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(8) Commercial Driver's License Fee...	767,000
----------------------------------------	---------

In accordance with Section 32-5-313, Code of Alabama 1975.

Total Department of Public Safety.....	<u>44,165,588</u>	<u>14,757,934</u>	<u>58,923,522</u>
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114. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program.....	5,868,366
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(b) Administrative Services Program....	5,752,206
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund.... 10,888,492

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund..... 486,080

(3) Departmental Receipts..... 6,000

(4) Federal and Local Funds..... 240,000

Total Public Service Commission..... 11,620,572 11,620,572

115. REAL ESTATE APPRAISERS
BOARD, ALABAMA:

(a) Professional and Occupational
Licensing and Regulation
Program..... 417,527

SOURCE OF FUNDS:

(1) Real Estate Appraisers Board
Fund..... 417,527

In accordance with Sections 34-27A-1
through 34-27A-29, Code of
Alabama 1975.

Total Alabama Real Estate Appraisers
Board..... 417,527 417,527

**116. REAL ESTATE COMMISSION,
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program.....	2,653,668
-------------------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,653,668
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As provided in Section 34-27-4, Code
of Alabama 1975, and the total
expenditures shall in no manner
exceed the amounts hereby
appropriated.

Total Alabama Real Estate Commission.....	2,653,668	2,653,668
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117. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....	76,242,596
--------------------------------------------------	------------

The above appropriation shall include
a transfer to the Examiners of
Public Accounts of \$200,000 and
\$2,000,000 to the State General
Fund.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	225,060
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As provided in Section 40-7-70, Code
of Alabama 1975, to maintain a
program for the equalization of ad
valorem tax assessments.

(2) State General Fund-Board of Equalization.....	90,049
------------------------------------------------------	--------

(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,445,769
---------------------------------------------------------------------------	-----------

As provided in Section 40-25-27, Code
of Alabama 1975.

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(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	374,726
(5) Transfer from the proceeds of the Forest Severance Tax Collections...	137,959
(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	6,560,416
(7) Transfer from the Income Tax Collections.....	22,264,883
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,367,341
(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,964,681
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	907,194
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,234,943
(12) Transfer from the gross proceeds of Sales Tax Collections.....	19,641,882
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	59,150
(14) Transfer from the gross proceeds of Use Tax Collections.....	2,149,523
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,772,518
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000

As provided in Section 32-8-87, Code of Alabama 1975.

(18) Transfer from Abandoned Property Trust Fund.....	100,000
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As provided in Section 35-12-39, Code of Alabama 1975.

(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	35,324
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(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	246,095
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(21) Transfer from Underground/ Aboveground Storage Tank Fees....	150,000
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In accordance with Sections 22-35-1 through 22-35-13, Code of Alabama 1975.

(22) Local Funds.....	6,900,000
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The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	315,109	75,927,487	76,242,596
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118. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	1,226,466
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SOURCE OF FUNDS:

(1) State General Fund.....	784,882		
(2) UCC and Farm Indexing Fund.....		146,584	
(3) Corporations Fund.....		295,000	
Total Secretary of State.....	784,882	441,584	1,226,466

119. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	2,154,309
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) Sale of Checks License Fund.....	17,000		
(2) Securities Commission Fund.....		2,063,309	
(3) Industrial Revenue Bond Notification Fund.....		74,000	
Total Securities Commission.....		2,154,309	2,154,309

120. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	18,705
--------------------------------------------------	--------

To be expended in accordance with
Section 41-9-740 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	18,705		
Total Alabama Senior Citizens Hall of Fame.....	18,705		18,705

**121. SOCIAL WORK EXAMINERS,
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	110,831
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	110,831
---------------------------------------------------------------	---------

As provided in Section 34-30-6, Code
of Alabama 1975.

Total Alabama State Board of Social Work Examiners.....	110,831	110,831
------------------------------------------------------------	---------	---------

**122. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:**

(a) Water Resource Development Program.....	1,430,805
------------------------------------------------	-----------

Of the above appropriation to the
Water Resource Development
Program, \$46,500 shall be
expended for watershed manage-
ment and \$46,500 shall be
allocated to the Sand
Mountain-Lake Guntersville Water-
shed Conservancy District.

(b) Professional and Occupational Licensing and Regulation Program.....	5,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,265,805
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(2) Soil Classifiers Fund.....	5,000
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As provided in Section 34-32-19, Code
of Alabama 1975.

(3) Departmental Receipts.....	165,000
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Total State Soil and Water Conserva- tion Committee.....	1,265,805	170,000	1,435,805
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123. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program..... 23,869

SOURCE OF FUNDS:

(1) State General Fund..... 23,869

Total Southern Growth Policies
Board..... 23,869 23,869

124. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:

(a) Professional and Occupational
Licensing and Regulation
Program..... 78,490

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for
Speech Pathology and Audiology
Fund..... 78,490

As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for
Speech Pathology and Audiology.... 78,490 78,490

125. SPORTS HALL OF FAME,
ALABAMA:

(a) Historical Resources Management
Program..... 164,594

SOURCE OF FUNDS:

(1) State General Fund..... 164,594

Total Alabama Sports Hall of Fame..... 164,594 164,594

126. SURFACE MINING
COMMISSION, ALABAMA:

(a) Industrial Safety and Accident
Prevention Program..... 5,113,536

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	309,261		
(2) Surface Mining Commission-Fees. .		914,638	
(3) Federal and Local Funds.....		1,289,637	
(4) Bond Forfeiture/Reclamation Projects, Estimated.....		2,600,000	

As provided in Section 9-16-103, Code
of Alabama 1975.

Total Alabama Surface Mining Commission.....	309,261	4,804,275	5,113,536
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127. TANNEHILL FURNACE AND
FOUNDRY COMMISSION:

(a) Historical Resources Management Program.....			454,185
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SOURCE OF FUNDS:

(1) State General Fund.....	454,185		
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Total Tannehill Furnace and Foundry Commission.....	454,185		454,185
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128. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....			83,294
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SOURCE OF FUNDS:

(1) State General Fund.....	83,294		
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Total Tennessee-Tombigbee Water- way Development Authority.....	83,294		83,294
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129. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....			185,807
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To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	135,269		
(2) Admissions and Concessions.....		50,538	
Total Tennessee Valley Exhibit Commission of Alabama.....	135,269	50,538	185,807

The above appropriation to the
Tennessee Valley Exhibit
Commission includes \$60,000 for
payment of debt service on the
Tennessee Valley Exhibit
Commission of Alabama Project
Revenue Bonds.

130. TOURISM AND TRAVEL, BU-
REAU OF:

(a) Tourism and Travel Promotion Program.....	6,164,817
--------------------------------------------------	-----------

Of the above appropriation, \$25,000
shall be transferred to the Emerald
Triangle Commission, \$50,000 shall
be transferred to the Cahaba Trace
Commission, \$24,200 shall be
transferred to the Tallapoosa
Highland Lakes Association and
\$24,200 shall be transferred to the
Mountain Lakes Tourist Associa-
tion.

SOURCE OF FUNDS:

(1) State General Fund.....	1,189,086
(2) Lodgings Tax (\$0.01)	4,975,731

Receipts collected under the
provisions of Sections 40-26-1, et
seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	<u>1,189,086</u>	<u>4,975,731</u>	<u>6,164,817</u>
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In addition to the above appropriation, there is also hereby appropriated \$1,000,000 to the Bureau of Tourism and Travel for the Alabama National Guard Historical Society to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

131. TRANSPORTATION, DEPARTMENT OF:

(a) Central Administration Program.....	22,099,583
(b) Division and District Supervision Program.....	29,257,953
(c) Operations and Support Services Program.....	11,491,521
(d) Maintenance Program.....	184,787,515
(e) Non-Programmatic Programs.....	22,910,665

Proposed spending plan for the above (e) includes the following:

Debt Service.....18,811,245

Equipment - Other than Automotive.....4,099,420

(f) Construction-Federal Aid Program...	449,643,129
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Proposed spending plan for the above (f) includes the following:

Federal Aid Matching.....90,570,913

Non-Participating Work on Federal Projects.....1,000,000

Federal Aid.....358,072,216

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(g) Construction-State Program.....	25,246,000
(h) Operations-Land and Buildings Program.....	3,083,767
(i) Captive County Health Insurance Program.....	168,480
(j) Transfer to Department of Public Safety, in accordance with Act 91-797.....	3,500,000
(k) Transfer to Amtrak.....	1,300,000
(l) Transfer to Capital Outlay.....	37,902

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	170,000
(2) State General Fund-Amtrak.....	1,300,000
(3) State General Fund-Capital Outlay.....	37,902
(4) Public Road and Bridge Fund.....	390,446,397
(5) Public Road and Bridge Fund- Transfer to Department of Public Safety.....	3,500,000
(6) Federal Aid.....	358,072,216

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$18,811,245 or so much thereof as may be necessary for payment of said principal and interest at their

respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to

all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation.....	1,507,902	752,018,613	753,526,515
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The General Fund Capital Outlay amount of \$37,902 shall be used to match federal funds to renovate the Little White House of the Confederacy.

132. TREASURER, STATE:

(a) Fiscal Management Program.....	4,742,309
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SOURCE OF FUNDS:

(1) State General Fund.....	1,640,733
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(2) Prepaid Affordable College Tuition Fund.....	3,101,576
--------------------------------------------------	-----------

Total State Treasurer.....	1,640,733	3,101,576	4,742,309
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133. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....	30,000
----------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	30,000
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As provided in Section 41-9-374, Code of Alabama 1975.

Total Alabama Commission on Uniform State Laws.....	30,000	30,000
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134. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program.....	8,297,394
(b) Capital Outlay Program.....	3,375,210

SOURCE OF FUNDS:

(1) State General Fund.....	3,079,238		
(2) Veterans Home Trust Fund-Transfer.....		8,593,366	
Total Department of Veterans' Affairs...	3,079,238	8,593,366	11,672,604

135. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	180,000
-------------------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....	180,000		
As provided in Section 34-29-70, Code of Alabama 1975.			
Total Alabama State Board of Veterinary Medical Examiners.....		180,000	180,000

136. VOTER REGISTRATION IDENTIFICATION PROGRAM:

(a) Special Services Program.....	353,441
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SOURCE OF FUNDS:

(1) State General Fund.....	353,441		
Total Voter Registration Identification Program.....	353,441		353,441

137. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....	10,308
---------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	10,308	
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Total Alabama Women's Com- mission.....	10,308	10,308
--------------------------------------------	--------	--------

138. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	4,490
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SOURCE OF FUNDS:

(1) State General Fund.....	4,490	
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Total Alabama Women's Hall of Fame.....	4,490	4,490
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139. YOUTH SERVICES, DEPART-
MENT OF:

(a) Youth Services Program.....	6,775,426
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The above appropriation shall be
expended in accordance with the
provisions of Sections 44-1-1
through 44-1-56, Code of Alabama
1975.

SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	3,229,108
--------------------------------------------------	-----------

(2) State General Fund-Juvenile Probation Officers Subsidy.....	3,546,318	
--------------------------------------------------------------------	-----------	--

Total Department of Youth Services.....	6,775,426	6,775,426
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**2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED FROM
THE STATE GENERAL FUND:****1. ARREST OF ABSCONDING
FELONS:**

(a) Criminal Investigation Program, Estimated.....	60,450
-------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	60,450
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As provided in Section 15-9-1 and
15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	60,450	60,450
----------------------------------------	--------	--------

2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	82
----------------------------------------------------------------	----

SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Section 12-22-150 and
12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	82	82
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3. BUSKEY PENNY TRUST FUND:

(a) Special Services Program, Estimated.....	30,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	30,000
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Penny Trust Fund.....	30,000	30,000
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**4. CONSUMER UTILITY RATE
HEARING:**

(a) Executive Direction Program..... 186,000

SOURCE OF FUNDS:

(1) State General Fund..... 186,000

As provided in Section 37-1-18, Code
of Alabama 1975.

Total Consumer Utility Rate Hearing.... 186,000 186,000

**5. COURT ASSESSED COSTS NOT
PROVIDED FOR:**

(a) Special Services Program,
Estimated..... 2,000,000

As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program..... 279,000

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program..... 37,486

The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,000,000	
(2) State General Fund.....	279,000	
(3) State General Fund-Automatic Appeal Cases	37,486	
<hr/>		
Total Court Assessed Costs Not Provided For.....	2,316,486	2,316,486

6. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....	372
-------------------------------------------------	-----

SOURCE OF FUNDS:

(1) State General Fund.....	372	
<hr/>		
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957....	372	372

7. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....	65,976
----------------------------------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	65,976
-----------------------------	--------

As provided in Sections 36-14-1,
36-14-11, 17-22A-11 and 41-21-8,
Code of Alabama 1975.

Total Distribution of Public Documents.....	65,976	65,976
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8. STATE DOCKS TRANSFER:.....	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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The above appropriation to the State
Docks shall be conditional upon the
availability of funds and shall
remain in the State General Fund
until a demonstrated need is
determined and recommended by
the Director of Finance and
approved by the Governor.

Total State Docks Transfer.....	3,500,000	3,500,000
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9. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....	3,720,000
-------------------------------------------------	-----------

(b) Training of Election Officials.....	72,694
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For payment of expenses pursuant to
the court order entered by the
U.S. District Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund..... 3,720,000

As provided in Section 17-21-6, Code
of Alabama 1975.

(2) State General Fund..... 72,694

Total Election Expenses..... 3,792,694 3,792,694

**10. EMERGENCY FUND,
DEPARTMENTAL:**

(a) Special Services Program..... 3,292,815

SOURCE OF FUNDS:

(1) State General Fund..... 3,292,815

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund... 3,292,815 3,292,815

11. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program,
Estimated..... 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	3,500,000	
Total Fair Trial Tax Transfer.....	3,500,000	3,500,000

12. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....		4,200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	4,200,000	
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For expenses of feeding prisoners in
county jails in accordance with
Section 14-6-42, Code of Alabama
1975.

Total Feeding of Prisoners.....	4,200,000	4,200,000
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13. FINANCE-CMIA, DEPARTMENT
OF:

(a) Fiscal Management Program, Estimated.....		300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	300,000	
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To implement the provisions of the
Cash Management Improvement
Act of 1990, Public Law 101-453
and the governing Federal
regulations in 31 CFR Part 205.
Any payments owed by the Depart-
ment of Transportation to the
federal government shall not be
paid from this appropriation.

Total Department of Finance-CMIA.....	300,000	300,000
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**14. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:**

(a) Fiscal Management Program..... 8,247

SOURCE OF FUNDS:

(1) State General Fund..... 8,247

In accordance with Section 36-1-7,
Code of Alabama 1975.Total Department of Finance -
Employees' Suggestion Awards
Program.....

8,247

8,247

**15. FINANCE-FEMA, DEPARTMENT
OF:**(a) Readiness and Recovery Program,
Estimated.....

93,000

Payments of the State's share of
administrative costs and matching
grants furnished by the Federal
Emergency Management Agency.**SOURCE OF FUNDS:**

(1) State General Fund..... 93,000

Total Department of Finance-FEMA.....

93,000

93,000

The above appropriation to the Depart-
ment of Finance-FEMA from the
State General Fund is conditioned
upon the declaration of a natural
disaster area by the President of
the United States and conditioned
further upon the requirement by the
Federal Management Agency of the
State of Alabama to pay a state
match for FEMA grants.**16. FOREST FIRE FUND,
EMERGENCY:**(a) Forest Resources Protection and
Development Program.....

180,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 180,000

The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Emergency Forest Fire Fund	180,000	180,000
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17. GOVERNOR'S CONFERENCE, NATIONAL:

(a) Executive Direction Program, Estimated.....	173,602
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SOURCE OF FUNDS:

(1) State General Fund.....	173,602
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Total National Governor's Conference.....	173,602	173,602
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18. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated.....	186,000
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SOURCE OF FUNDS:

(1) State General Fund.....	186,000
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses.....	186,000	186,000
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19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated.....	37,200
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SOURCE OF FUNDS:

(1) State General Fund.....	37,200
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As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund.....	37,200	37,200
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**20. LAW ENFORCEMENT LEGAL
DEFENSE:**

(a) Legal Advice and Legal Services Program, Estimated.....	2,325
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SOURCE OF FUNDS:

(1) State General Fund.....	2,325
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To carry out provisions of Section
36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense.....	2,325	2,325
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**21. MILITARY - EMERGENCY
ACTIVE DUTY PAY:**

(a) Military Operations Program, Estimated.....	186,000
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SOURCE OF FUNDS:

(1) State General Fund.....	186,000
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As provided in Section 31-2-133, Code
of Alabama 1975.

Total Military - Emergency Active Duty Pay.....	186,000	186,000
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22. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated.....	395,250
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SOURCE OF FUNDS:

(1) State General Fund.....	395,250
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As provided in Section 29-7-6, Code of
Alabama 1975.

Total Printing of Code Supplements - Legislative Reference Service.....	395,250	395,250
----------------------------------------------------------------------------	---------	---------

23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:

(a) Administrative Support Services Program, Estimated.....	504,355
----------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	504,355
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As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.

Total Printing Codes and Sup- plements - Secretary of State.....	504,355	504,355
---------------------------------------------------------------------	---------	---------

24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated.....	728,190
----------------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	728,190
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As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	728,190	728,190
------------------------------------------------------	---------	---------

25. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated.....		2,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,000,000	
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In accordance with Sections 17-4-126 and 17-4-153, Code of Alabama 1975.

Total Registration of Voters.....	2,000,000	2,000,000
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26. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....		465,000
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SOURCE OF FUNDS:

(1) State General Fund.....	465,000	
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As provided in Sections 15-10-70 through 15-10-73, 15-9-62, 15-9-65 and 15-9-81, Code of Alabama 1975.

Total Removal of Prisoners.....	465,000	465,000
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27. STATE GENERAL FUND, ESTIMATED:		55,000,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated.....	55,000,000	
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All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.

Total State General Fund, Estimated...	55,000,000	55,000,000
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2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series B, Estimated....	1,442,500
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,442,500	
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Total General Obligation Capital Improvement Bonds, Series B, Estimated.....	1,442,500	1,442,500
------------------------------------------------------------------------------	-----------	-----------

2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	2,914,477
-----------------------------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,914,477	
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Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	2,914,477	2,914,477
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3. General Obligation Docks Facilities Bonds, Series C, Estimated.....	1,536,750
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,536,750	
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Total General Obligation Docks Facilities Bonds, Series C, Estimated.....	1,536,750	1,536,750
---------------------------------------------------------------------------	-----------	-----------

4. Music Hall of Fame Bonds, Estimated.....	349,245
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	349,245	
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Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.

Total Music Hall of Fame Bonds, Estimated.....	349,245	349,245
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5. Corrections Institutions Bonds, Estimated.....		1,399,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,399,000	
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Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special
Session.

Total Corrections Institutions Bonds, Estimated.....	1,399,000	1,399,000
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6. General Obligation Capital Bonds, 1990 Series, Estimated.....		1,924,605
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,924,605	
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Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session.

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,924,605	1,924,605
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7. General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993 Estimated.....		53,562,852
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	53,562,852	
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Total General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993, Estimated.....	53,562,852	53,562,852
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of

Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 10. Any amendments added to this bill on the Senate floor that adds appropriations shall identify the source of those funds necessary to fund the additional appropriations.

SECTION 11. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 12. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 13. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 14. This Act shall become effective October 1, 1994.

Amend House Bill 172 as substituted on page 49, after line 29 by inserting the following:

"(b) Capital Outlay - Ancient Indian Grounds as designated by the Indian Affairs Commission 150,000"

Further amend the bill on page 49, lines 31 and 33 by deleting the figure "200,000" and inserting in lieu thereof the figure "350,000".

Amend House Bill 172 as substituted on page 32 after line 11 by inserting the following language:

"In addition to the above appropriation, there is hereby appropriated \$750,000 to the Economic Development Revolving Loan Program, pursuant to Act 90-650 and \$750,000 to the Small Business Incubator Program, pursuant to Act 93-543 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Amend H. 172 as Substituted on page 78, line 22 after the word "society" by inserting the following: "and \$50,000 to the Jesse Owens Memorial Park & Museum"

Amend House Bill 172 as substituted on page 40, line 3 by deleting the figure "577,130" and inserting in lieu thereof the figure "427,130".

Further amend the bill on page 40, line 2 by deleting the figure "2,077,665" and inserting in lieu thereof the figure "2,227,665".

Amend H. 172 on page 32, after line 11 by inserting the following:

"In addition to the above appropriation to the Alabama Department for Economic and Community Affairs, there is also hereby appropriated the sum of \$80,000 for Minority Business Development in Montgomery County, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Further amend on page 47, after line 20, by inserting the following:

"In addition to the above appropriation to the Historical Commission, there is also hereby appropriated the sum of \$57,380, for Fort Toulouse, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Amend House Bill 172 on page 78 by deleting line 9 in its entirety and inserting in lieu thereof "Mountain Lakes Tourist Association and \$24,200 shall be transferred to the Childersburg Heritage Foundation."

Amend House Bill 172 as substituted on page 41, lines 15, 17 & 19 by striking the figure "569,100" and inserting in lieu thereof the figure: "517,100".

Amend House Bill 172 as substituted on page 13 after line 20 by inserting the following:

"In addition to the above appropriation to the Agricultural Development Services Program of the Department of Agriculture and Industries, there is hereby appropriated \$150,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Amend House Bill 172 on page 100 after line 14 by adding a new section 12 and renumbering accordingly:

"Section 12. Any conference committee appointed to resolve differences between the House of Representatives and the State Senate on this bill shall fully comply with the Alabama Sunshine Law in regards to open meetings."

Amend House Bill 172 as substituted on page 84, after line 22, by inserting the following:

"The above appropriation for Community Subsidy shall include at least \$103,425 for those nonsecure programs funded in FY 1993-94. Any funds appropriated for Probation Officers Subsidy that is not required for that purpose shall be expended for Community Subsidy Programs."

Amend House Bill 172 as substituted on page 13, lines 22, 24 and 26 by deleting the figure "100,000" and inserting in lieu thereof the figure "79,000".

Amend House Bill 172 as substituted on page 49 after line 23 by inserting the following:

"In addition to the above appropriation to the Department of Human Resources, there is hereby appropriated the sum of \$1,399,349 to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. Such conditional shall be the First Priority and shall be released before any other conditionals from the State General Fund can be released."

Amend House Bill 172 as substituted on page 12 after line 30 by adding the following language:

"Of the above appropriation, \$25,000 shall be allocated for a Small Farms Program."

Amend House Bill 172 as substituted on page 32 after line 11, by inserting the following:

"In addition to the above appropriation to the Alabama Department for Economic and Community Affairs, there is also hereby appropriated the sum of \$300,000 to the Dallas, Lowndes and Wilcox County Commissions for joint economic development purposes, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Amend House Bill 172 as substituted on page 35, line 32 and page 36, line 4 by striking the figure "443,845" and inserting in lieu thereof the figure "193,845".

Further amend the bill on page 36, line 6 by striking the figures "573,884" and "618,319" and inserting in lieu thereof the figures "323,884" and "368,319" respectively.

Further amend the bill on page 21, line 22 by striking the figure "29,775,772" and inserting in lieu thereof the figure "30,025,772".

Further amend the bill on page 22, line 10 by striking the figure "587,047" and inserting in lieu thereof the figure "837,047".

Further amend the bill on page 24, line 7 by striking the figures "733,978" and "63,411,043" and inserting in lieu thereof the figures "983,978" and "63,661,043".

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Kennedy and Clark (J) on the disagreement of the two Houses on the Senate amendment to the bill, H. 172.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 236, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; to exempt the Mobile Arts and Sport Association and the Greater Gulf State Fair, Inc. and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair from the payment of all county and municipal sales and use taxes and licenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Mobile Arts and Sport Association is exempted from paying any county and municipal sales or use taxes.

Section 2. The Greater Gulf State Fair, Inc and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair are exempted from paying any county and municipal sales or use taxes and licenses.

Section 3. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Parker (T), Penry, Petelos, Poole, Powell, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 547.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 547, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 547. To make a supplemental appropriation from the State Health Planning Agency Certificate of Need Fund in the State Treasury to the State Health Planning Agency for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall (A), Hall (L), Hamilton,

14th Day

Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES LOST

The motion offered by Representative Smith (C) to suspend the rules in order to take up out of order the bill, H. 433, was lost, lacking a four-fifths vote.

Yeas 56; Nays 20.

Yea:

Mr. Speaker, Bowling, Box, Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Beasley, Black (L), Blakeney, Bryant, Buskey, Carothers, Dolbare, Holmes, Kennedy, Knight (J), Mathis, McClain, McDowell, Newton (C), Newton (D), Payne, Perdue, Rogers (J) and Thomas.

-20

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until 10:00 o'clock a.m., Thursday, February 24, 1994, was lost.

Yeas 40; Nays 40.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Dolbare, Flowers, Goodwin, Hawkins, Haynes, Holmes, Knight (J), Laird, Lindsey, Mathis, McClain, McDowell, Morrow, Newton (C), Newton (D), Parker (T), Payne, Perdue, Poole, Rogers (J), Smith (C), Thomas, Turner, Walker, White and Willis.

-40

Nay:

Mr. Speaker, Blakeney, Box, Cagle, Collins, Cosby, Cullins, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Hill, Hilliard, Hogan, Hooper, Knight (A), Kvalheim, McDaniel, McKee, Millican, Morton, Page, Penry, Petelos, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Venable and Zoghby.

-40

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rogers (J) to suspend the rules in order to take up out of order the bill, H. 126, was lost.

Yeas 13; Nays 45.

Yea:

Mr. Speaker, Bryant, Cagle, Drake, Hall (A), Hilliard, Mathis, McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

-13

Nay:

Representatives Biddle, Blakeney, Carns, Collins, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Hill, Holladay, Knight (A), Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Walker, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Smith (R), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 367.

Yeas 43; Nays 7.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Cagle, Carns, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Gullatt, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Knight (A), Kvalheim, Laird, Layson, McDaniel, McKee, Mikell, Millican, Morton, Parker (T), Payne, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Walker and Willis.

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Nay:

Representatives Bryant, Carothers, Freeman, Hall (A), Mathis, Morrow and Parker (P).

- 7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith (R), the Budget Isolation Resolution relating to the bill, H. 367, was adopted.

Yeas 52; Nays 1.

Yea:

Representatives Beasley, Biddle, Blakeney, Bryant, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hill, Hilliard, Hogan, Hooper, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representative Hall (A).

- 1

MOTION TO ADJOURN LOST

The motion offered by Representative White that the House adjourn until 10:00 o'clock a.m., Thursday, February 24, 1994, was lost.

Yeas 41; Nays 51.

Yea:

Representatives Anderson, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey, Campbell, Carothers, Clark (W), Clay, Cullins, Dolbare, Drake, Ford, Goodwin, Hawkins, Haynes, Hilliard, Holladay, Holley, Johnson, Kennedy, Layson, Letson, Lindsey, Mathis, McMillan, Melton, Newton (C), Newton (D), Page, Parker (P), Perdue, Poole, Spratt, Thomas, Turner, Warren, White and Williams.

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Nay:

Representatives Beasley, Biddle, Burke, Butler, Cagle, Carns, Collins, Cosby, Curry, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall (A), Hamilton, Hammett, Haney, Harvey, Higginbotham, Hill, Hogan, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Laird, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker and Willis.

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BILLS ON THIRD READING RESUMED

H. 367 TEMPORARILY CARRIED OVER

On motion of Representative Smith (R), the bill, H. 367, was temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association and the Greater Gulf State Fair, Inc. and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair from the payment of all county and municipal sales and use taxes and licenses.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 52. COMMENDING CAPTAIN KEVIN T. SMITH FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Knight (J), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 52, the title of which is set out in the foregoing Message from the Senate.

Yeas 52; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Gullatt, Hall (L), Hawkins, Hill, Hogan, Holley, Holmes, Kennedy, Knight (A), Knight (J), Lindsey, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Powell, Richardson, Rockhold, Smith (C), Turner, Venable, White, Willis and Zoghby.

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Nay:

Representatives Burke, Haney, Hooper, McKee, Sanderford, Smith (R) and Walker.

- 7

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from

the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Smith (R) and Ford:

H.R. 189. COMMENDING DR. RALPH CAIN, DEPARTING SUPERINTENDENT OF EDUCATION FOR ETOWAH COUNTY.

Also:

The following resolutions were introduced:

By Representatives McDowell, Zoghby, Kennedy, Gullatt and Hall (L):

H.J.R. 190. COMMENDING MS. LINDA BROOKS GEISS, PUBLISHER OF THE WOMEN'S EXCHANGE FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, the Legislature of Alabama in great personal pride, commends Ms. Linda Brooks Geiss of Birmingham, Alabama, an Alabamian of extraordinary achievement; and

WHEREAS, Ms. Geiss, the publisher of the Women's Exchange, a yellow pages resource directory, is responsible for the new city-wide directory to assist female entrepreneurs in contacting certain businesses as a result of desiring to help females facing career challenges; and

WHEREAS, this annual publication, free to the Greater Birmingham area, will offer articles of advice and encouragement and will serve as a guide to

organizations, medical services, legal assistance, hotlines, counseling, media exposure, public officials, equal opportunity companies, female business owners, and all other avenues heretofore unavailable to the woman in business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement and many contributions to further female entrepreneurs, we hereby most highly commend and congratulate Ms. Linda Brooks Geiss, and do further direct that copies of this resolution be forwarded to Ms. Geiss.

The resolution, H.J.R. 190, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 191. HONORING DR. RICHARD H. ESHAM OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Dr. Richard H. Esham of Mobile, Alabama, for outstanding professional achievement and service; and

WHEREAS, Dr. Esham, a native of Maysville, Kentucky, earned his B.A. degree with honors from Andrews University, a Doctorate of Medicine from the University of Louisville, and served his internship and residency at the University of Alabama Hospitals and Clinics in Birmingham, Alabama; he further served as chief resident and as an instructor with University Hospitals from 1971 to 1972; and

WHEREAS, following service in the United States Army, for which he was awarded the Army Commendation Medal, Dr. Esham served in private practice, and as clinical assistant professor of medicine at the University of South Alabama (USA) in Mobile from 1974 to 1990; he since has served as chief of the Division of General Internal Medicine and Geriatrics, medical director of Clinical Operations for the Department of Medicine, and professor of medicine at the USA College of Medicine; and

WHEREAS, throughout his career, Dr. Esham has served his profession and the medical community by providing invaluable leadership and support to health and medical agencies, associations, and societies on local, state and national levels, including the State Health Planning Agency, the Medical Society of Mobile County, and the American College of Physicians, and currently serves as chairman of the board of the Alabama State Board of Medical Examiners, the Alabama Department of Public Health and the Medical Association of the State of Alabama; and

WHEREAS, Dr. Esham, who is a member of numerous medical societies, further extends his leadership and professional expertise to a number of civic and service organizations, and to area hospitals which he serves by appointment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby most highly commend Dr. Richard H. Esham of Mobile, Alabama, for whom a copy of this resolution shall be provided.

The resolution, H.J.R. 191, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 192. COMMENDING DR. BYRON GILLIAM BROGDON OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature takes great pride in commending Dr. Byron G. Brogdon of Mobile Alabama, who has served as the University of South Alabama's Distinguished Professor of Radiology from July 1989 to the present; and

WHEREAS, Dr. Brogdon also served as the Chairman of the Department of Radiology at the University of New Mexico from July 1967 through December 1977; and

WHEREAS, Dr. Brogdon also served as the Chairman of the Department of Radiology for the University of South Alabama College of Medicine from 1985 through 1992; and

WHEREAS, Dr. Brogdon has also received numerous awards including the Distinguished Alumnus Award from the University of Arkansas School of Medicine in 1978, and the prestigious Sigma Xi in 1979; he won first place in the AMA National Awards Programs for Medical Speakers, Professional Audience Speech, 1979, and was Gold Medalist for both the Association of University Radiologists in 1985 and the American College of Radiology in 1987; and

WHEREAS, licensed to practice medicine in Alabama, Arkansas, Florida, Maryland, New Mexico, and Texas, he has served as President of the Association of University Radiologists, 1973-1974, as President of the American College of Radiology, 1978-1979, and as an American Medical Association Delegate to the House of Delegates from 1988 to the present; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby highly commend Dr. Byron Gilliam Brogdon, whom we hold in utmost regard and to whom a copy of this resolution shall be forwarded.

The resolution, H.J.R. 192, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (J):

H.J.R. 193. COMMENDING MRS. JOHNNIE CARR OF MONTGOMERY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND ACHIEVEMENT.

WHEREAS, Johnnie Carr, a native of the City of Montgomery, is a founder and president of the Montgomery Improvement Association; and

WHEREAS, Mrs. Carr worked tirelessly with Dr. Martin Luther King, Jr., during the 1950s, the infancy of the modern Civil Rights Movement which started in Montgomery; and

WHEREAS, Mrs. Carr has continued to work for civil rights and in support of voter registration through the decades of the 1960s, 1970s, 1980s and 1990s; and

WHEREAS, Mrs. Carr is a member of the Southern Christian Leadership Conference, and of the National Baptist Women's Convention; and

WHEREAS, Mrs. Carr has been recognized by many organizations for her outstanding and lifelong contributions to her community; and

WHEREAS, Mrs. Carr was honored on January 14, 1994, by the Alabama Shakespeare Festival with one of the first four Pioneer Awards; and

WHEREAS, Mrs. Carr was honored with the Pioneer Award along with Virginia Durr; Mae C. Jemison, M.D.; and Rosa Parks, all of whom are giants among pioneering women in the State of Alabama; and

WHEREAS, Mrs. Carr's award recognizes a pioneering spirit that was strong enough to help her to make a life of her own, despite overwhelming odds; and

WHEREAS, Mrs. Carr's work for civil rights and voting rights over the past five decades has improved the lives of thousands of citizens in the State of Alabama and the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to her

community, and as a staunch supporter of civil rights and voting rights over the past five decades, we hereby commend Mrs. Johnnie Carr of Montgomery, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

The resolution, H.J.R. 193, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 194. URGING THE U.S. CONGRESS TO SUPPORT SJR 41, A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION.

WHEREAS, the federal government continues to borrow to finance current consumption, resulting in annual deficits regularly exceeding \$200 billion; and

WHEREAS, the federal government has run deficits in 33 of the past 34 years; and

WHEREAS, the total federal debt is currently approximately \$4.4 trillion; and

WHEREAS, even with deficit reduction measures taken this year, total federal debt will grow by approximately \$1 trillion over the next five years; and

WHEREAS, large deficits crowd out private investment and reduce capital formation, hampering economic growth; and

WHEREAS, interest payments on the federal debt will be approximately \$300 billion in 1994; and

WHEREAS, a family of four will pay \$3,300 in taxes just to cover interest on federal debt this year; and

WHEREAS, the huge federal debt poses a tremendous burden to future generations of Americans; and

WHEREAS, each baby born today enters the world with a burden of \$17,600 in federal debt; and

WHEREAS, statutory budget balancing remedies have failed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature urges the U.S. Congress to adopt SJR 41, a Balanced Budget Amendment to the United States Constitution.

BE IT FURTHER RESOLVED, That certified copies of this resolution be transmitted to the President of the United States, the Speaker of the House, the President Pro Tempore of the Senate, and to every member of the State's Congressional Delegation.

The resolution, H.J.R. 194, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:35 P.M. on February 22, 1994.

H. 173	H. 179
H. 176	H. 181
H. 253	H. 185
H. 112	H. 186
H. 175	H. 187
H. 174	H. 254

Delivered to the Governor at 4:55 P.M. on February 22, 1994.

H. 236
H. 189

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Ford and pursuant to the resolution, H.R. 185, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 24, 1994.